By Mr. ARNOLD: A bill (H. R. 11961) for the relief of William H. Dotson; to the Committee on Military Affairs.

By Mr. COLE of Iowa: A bill (H. R. 11962) granting a pension to Mary J. Stotts; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 11963) granting an increase of pension to Sarah M. Crommett; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 11964) granting a pension to Caroline Arnold Brown; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 11965) granting a pension to Samuel C. Hassler; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 11966) granting an increase of pension to Mary S. Rine; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 11967) granting an increase of pension to Sarah A. Tefft; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 11968) granting a pension to William R. Tillard; to the Committee on Pensions.

By Mr. SWEET: A bill (H. R. 11969) granting an increase of pension to Lucena Cory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11970) granting an increase of pension to Nancy Dunham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11971) granting an increase of pension to Anna Vinier; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 11972) granting an increase of pension to Mary Ellen Kepler; to the Committee on Invalid Pensions.

By Mr. WILSON of Mississippi: A bill (H. R. 11973) for the relief of Shadworth L. Smith; to the Committee on Pensions.

Also, a bill (H. R. 11974) for the relief of Marion F. Blackwell; to the Committee on the Public Lands.

Also, a bill (H. R. 11975) for the relief of L. H. Bowles; to the Committee on War Claims.

By Mr. WILSON of Indiana: A bill (H. R. 11976) granting an increase of pension to Loucinda Spencer; to the Committee on Invalid Pensions.

By Mr. SNELL: Resolution (H. Res. 415) granting a sum equal to six months' salary and $250 for funeral expenses to Catherine Louise Terrott, mother of Fred G. Terrott, late clerk of the Rules Committee of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3561. By the SPEAKER (by request): Petition of Municipal Assembly of Fajardo, P. R., urging Congress to enact into law the bill permitting the people of Porto Rico to elect their own governor; to the Committee on Insular Affairs.

3562. By Mr. FULLER: Petition of the Indian Relief Committee, of Minneapolis, favoring passage of a bill providing a $100 per capita payment to the Chippewa Indians of Minnesota; to the Committee on Indian Affairs.

3563. Also, petition of the Illinois Valley Manufacturers' Club, of La Salle, Ill., protesting against the passage of the Gooding long and short haul bill (S. 2327); to the Committee on Interstate and Foreign Commerce.

3564. By Mr. GALLIVAN: Petition of Massachusetts Association of Real Estate Boards, Boston, Mass., protesting against establishment of permanent Rent Commission in the District of Columbia, as provided for in Senate bill 3764 and House bill 11078; to the Committee on the District of Columbia.

3565. By Mr. MORROW: Petition of New Mexico Cattle and Horse Growers' Association, in re tariff on hides; to the Committee on Ways and Means.

3566. By Mr. SITES: Papers to accompany House bill 11946, granting an increase of pension to Louisa R. Smith; to the Committee on Invalid Pensions.

3567. By Mr. SMITH: Resolutions adopted by tenth annual convention of Idaho State Federation of Labor, Boise, Idaho, against enactment of Senate bill 3218; to the Committee on the District of Columbia.

3568. By Mr. STRONG of Pennsylvania: Petition of E. R. Brady Post, No. 242, G. A. R., Brookville, Pa., urging passage of the pending bill to increase the pensions of Civil War soldiers, their widows, and dependents; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *January 27, 1925*

(Legislative day of Monday, January 26, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 596. An act to provide for the extension of Bancroft Place between Phelps Place and Twenty-third Street NW., and for other purposes;

H. R. 5327. An act to provide for the payment to the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915;

H. R. 5517. An act authorizing the sale of certain Government property in the District of Columbia; and

H. R. 10348. An act authorizing the Chief of Engineers of the United States Army to accept a certain tract of land from Mrs. Anne Archbold donated to the United States for park purposes.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 703. An act making an adjustment of certain accounts between the United States and the District of Columbia;

S. 2842. An act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes; and

S. 1179. An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan, of other streets, roads, or highways in the District of Columbia, and for other purposes.

The message further announced that the House returned to the Senate, in compliance with its request, the message from the Senate announcing its agreement to the amendment of the House of Representatives to the bill (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 25) authorizing a per capita payment of $50 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the enrolled bill (H. R. 10152) granting the consent of Congress to the Huntley-Richardson Lumber Co., a corporation of the State of South Carolina, doing business in said State, to construct a railroad bridge across Bull Creek at or near Eddy Lake, in the State of South Carolina, and it was thereupon signed by the President pro tempore.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Hale	McNary
Ball	Dill	Harreld	Mayfield
Bayard	Edge	Harris	Means
Bingham	Edwards	Heflin	Moses
Borah	Ernst	Howell	Neely
Brookhart	Fernald	Johnson, Calif.	Norbeck
Broussard	Ferris	Johnson, Minn.	Norris
Bruce	Fess	Jones, N. Mex.	Oddie
Cameron	Fletcher	Jones, Wash.	Overman
Capper	Frazier	Kendrick	Pepper
Caraway	George	Keyes	Phipps
Copeland	Gerry	King	Pittman
Couzens	Glass	McKellar	Ralston
Cummins	Gooding	McKinley	Ransdell
Curtis	Greene	McLean	Reed, Mo.

Reed, Pa.	Smith	Sterling	Walsh, Mont.
Sheppard	Smoot	Swanson	Warren
Shipstead	Spencer	Underwood	Watson
Shortridge	Stanfield	Wadsworth	Weller
Simmons	Stanley	Walsh, Mass.	Willis

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably detained. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Eighty Senators have answered to the roll call. There is a quorum present.

VISITORS TO NAVAL ACADEMY

The PRESIDENT pro tempore, pursuant to the provision of the act of Congress of August 29, 1916, relative to the appointment of the Board of Visitors to the Naval Academy, appointed Mr. SHORTRIDGE, Mr. SWANSON, Mr. METCALF, and Mr. COPELAND members of the board on the part of the Senate.

PETITIONS AND MEMORIALS

Mr. FESS presented a resolution adopted by the City Council of Cleveland, Ohio, favoring the passage of Senate bill 3674, reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions of the City Council of Cleveland, Ohio, protesting against the passage of legislation authorizing a permanent diversion of 10,000 cubic feet of water per second from Lake Michigan into the Chicago Drainage Canal, which were referred to the Committee on Commerce.

Mr. McLEAN presented petitions of members of the A. C. Tyler Auxiliary, No. 14, United Spanish War Veterans' Association, and the Auxiliary of the United Spanish War Veterans, both of Willimantic, Conn., praying for the passage of House bill 5934, the so-called Knutson bill, proposing increased pensions to Spanish War veterans, etc., which were referred to the Committee on Pensions.

He also presented resolutions of the real estate boards of New Haven, Bridgeport, Stamford, and Greenwich, all in the State of Connecticut, protesting against the passage of legislation providing for the creation of a permanent commission for the control of rentals in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BROOKHART presented a resolution of the Fairbank Tourist Club, of Fairbank, Iowa, favoring the participation of the United States in the Permanent Court of International Justice under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Dubuque (Iowa) Chapter, Reserve Officers' Association of the United States, favoring the passage of legislation placing chaplains of the United States Army on the same basis in the matter of pay, allowances, and opportunity for advancement as the other noncombatant forces of the Army, and according them the same relative grades as now enjoyed by chaplains of the United States Navy, which was referred to the Committee on Military Affairs.

Mr. BINGHAM presented a memorial of Local Union No. 2039, United Brotherhood of Carpenters and Joiners of America, of Noank, Conn., remonstrating against the passage of Senate bill 3218, to secure Sunday as a day of rest in the District of Columbia, and for other purposes, which was referred to the Committee on the District of Columbia.

He also presented petitions of members of A. C. Tyler Auxiliary, No. 14, United Spanish War Veterans' Association of Willimantic, and of Emerson H. Liscum Camp, No. 12, United Spanish War Veterans, of Waterbury, in the State of Connecticut, praying for the passage of House bill 5934, the so-called Knutson bill, proposing increased pensions to Spanish War veterans, etc., which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. BALL, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 174) authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1925, etc., reported it without amendment.

Mr. ERNST, from the Committee on the Judiciary, to which was referred the bill (H. R. 64) to amend section 101 of the Judicial Code as amended, reported it with an amendment and submitted a report (No. 931) thereon.

ENROLLED BILLS PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on January 26, 1925, that committee presented to the President of the United States the following enrolled bills:

S. 369. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

S. 698. An act for the relief of the Great Lakes Engineering Works;

S. 831. An act for the relief of H. B. Stout;

S. 1427. An act for the relief of Rosa L. Yarbrough;

S. 1568. An act for the relief of certain officers in the United States Army;

S. 1605. An act for the relief of Emma Kiener;

S. 1894. An act for the relief of the owners of the steamship *Kin-Dave;*

S. 1976. An act for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and the United States Lloyds;

S. 2316. An act to allow credit in the accounts of A. W. Smith;

S. 2526. An act providing for an allotment of land from the Kiowa, Comanche, and Apache Indian Reservation, Okla., to James F. Rowell, an intermarried and enrolled member of the Kiowa Tribe;

S. 2669. An act for the relief of J. R. King;

S. 2689. An act for the relief of the First International Bank of Sweetgrass, Mont.;

S. 2711. An act for the relief of the Pitt River Power Co.;

S. 2764. An act authorizing the President to order Leo P. Quinn before a retiring board for a rehearing of his case, and upon the findings of such board either confirm his discharge or place him on the retired list with the rank and pay held by him at the time of his discharge;

S. 3073. An act for the relief of George A. Berry;

S. 3416. An act to authorize the appointment of Thomas James Camp as a major of Infantry, Regular Army;

S. 3505. An act for the relief of Canadian Car & Foundry Co. (Ltd.); and

S. 3509. An act to change the time for the holding of terms of court in the eastern district of South Carolina.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 4089) for the relief of Stanton & Jones, contractors; to the Committee on Claims.

By Mr. SHIPSTEAD:

A bill (S. 4090) to provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.; to the Committee on Claims.

By Mr. FERNALD:

A bill (S. 4091) granting an increase of pension to Sarah T. Cram (with accompanying papers); to the Committee on Pensions.

By Mr. EDGE:

A bill (S. 4092) granting an increase of pension to Seffie B. Hughes; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4093) granting a pension to Margaret Horey (with accompanying papers); and

A bill (S. 4094) granting a pension to Sarah A. Conley (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4095) for the relief of Thomas Huggins; to the Committee on Military Affairs.

A bill (S. 4096) granting a pension to Edward Bowden (with accompanying papers); and

A bill (S. 4097) granting an increase of pension to Scott F. Stevens (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4098) for the relief of Robert C. Osborne; to the Committee on Claims.

A bill (S. 4099) to authorize the establishment and maintenance of a forest experiment station in the State of California; to the Committee on Agriculture and Forestry.

By Mr. WILLIS:

A bill (S. 4100) granting an increase of pension to Mary Jane Napper (with accompanying papers); and

A bill (S. 4101) granting an increase of pension to Malinda Jane Caldwell (with accompanying papers); to the Committee on Pensions.

By Mr. ODDIE:

A bill (S. 4102) granting an increase of pension to Arthur C. Gardner (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 4103) for the relief of P. F. Billingsley; to the Committee on Claims.

By Mr. STERLING:

A bill (S. 4104) making an appropriation to pay amounts determined to be due by the Secretary of the Interior in accordance with the act of Congress approved June 7, 1924; to the Committee on Appropriations.

By Mr. COPELAND:

A bill (S. 4105) granting a pension to Levi S. Wilson; to the Committee on Pensions.

A bill (S. 4106) for the relief of Stephen A. Farrell; to the Committee on Naval Affairs.

By Mr. SHIPSTEAD:

A bill (S. 4107) to authorize the President in certain cases to modify visé fees; to the Committee on Foreign Relations.

By Mr. BORAH:

A bill (S. 4108) making appropriation for a contribution by the United States toward the expenses of the Bureau for the International Map of the World; to the Committee on Foreign Relations.

Mr. SWANSON. On behalf of the Senator from Tennessee, Mr. McKELLAR, and myself, I introduce a bill.

The bill (S. 4109) relative to the acquirement of national parks, to be known as Shenandoah National Park and Smoky Mountain National Park, was read twice by its title and referred to the Committee on Public Lands and Surveys.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 175) to amend section 2 of the public resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved April 14, 1922; to the Committee on Commerce.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. HALE, Mr. FERNALD, and Mr. JOHNSON of California each submitted an amendment, and Mr. SHEPPARD submitted two amendments intended to be proposed to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were severally referred to the Committee on Commerce and ordered to be printed.

IMPROVEMENT OF THE ILLINOIS RIVER

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 3933) for the purchase of the Cape Cod Canal property, and for other purposes, which was ordered to lie on the table and to be printed.

MASSACHUSETTS ELECTION FOR SENATOR IN 1922

Mr. WALSH of Massachusetts. Mr. President, I submit a resolution which I send to the desk, and I ask unanimous consent for immediate action on it. It concerns a formal matter, and I believe its consideration will take practically no time.

The resolution (S. Res. 316) was read, as follows:

Whereas the secretary of the Commonwealth of Massachusetts states that all ballots cast at the election in that Commonwealth for United States Senator on November 7, 1922, are retained by election officials of all cities and towns by reason of notice of a contest having been filed in the United States Senate against the validity of the election of HENRY CABOT LODGE as a Senator from that Commonwealth for the term beginning March 4, 1923: Be it

Resolved, That the said contest be dismissed, and that the secretary of the Commonwealth of Massachusetts be notified accordingly.

Mr. WALSH of Massachusetts. Mr. President, the purpose of the resolution is to take such action here as will permit the local election authorities of Massachusetts to release the ballots referred to in the resolution.

The resolution was considered by unanimous consent and agreed to.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred to the Committee on the District of Columbia:

H. R. 596. An act to provide for the extension of Bancroft Place between Phelps Place and Twenty-third Street NW., and for other purposes;

H. R. 5327. An act to provide for the payment to the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915;

H. R. 5517. An act authorizing the sale of certain Government property in the District of Columbia; and

H. R. 10348. An act authorizing the Chief of Engineers of the United States Army to accept a certain tract of land from Mrs. Anne Archbold donated to the United States for park purposes.

AGRICULTURE THE BASIC INDUSTRY—CONFERENCE REPORT

Mr. SMITH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 107) declaring agriculture to be the basic industry of the country, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the House insert the following:

"That it is hereby declared to be the true policy in rate making to be pursued by the Interstate Commerce Commission in adjusting freight rates that the conditions which at any given time prevail in our several industries should be considered, in so far as it is legally possible to do so, to the end that commodities may freely move.

"That the Interstate Commerce Commission is authorized and directed to make a thorough investigation of the rate structure of common carriers subject to the interstate commerce act, in order to determine to what extent and in what manner existing rates and charges may be unjust, unreasonable, unjustly discriminatory, or unduly preferential, thereby imposing undue burdens, or giving undue advantage as between the various localities and parts of the country, the various classes of traffic, and the various classes and kinds of commodities, and to make, in accordance with law, such changes, adjustments, and redistribution of rates and charges as may be found necessary to correct any defects so found to exist. In making any such change, adjustment, or redistribution the commission shall give due regard, among other factors, to the general and comparative levels in market value of the various classes and kinds of commodities as indicated over a reasonable period of years to a natural and proper development of the country as a whole, and to the maintenance of an adequate system of transportation. In the progress of such investigation the commission shall, from time to time, and as expeditiously as possible, make such decisions and orders as it may find to be necessary or appropriate upon the record then made in order to place the rates upon designated classes of traffic upon a just and reasonable basis with relation to other rates. Such investigation shall be conducted with due regard to other investigations or proceedings affecting rate adjustments which may be pending before the commission.

"In view of the existing depression in agriculture, the commission is hereby directed to effect with the least practicable delay such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture affected by that depression, including livestock, at the lowest possible lawful rates compatible with the maintenance of adequate transportation service: *Provided*, That no investigation or proceeding resulting from the adoption of this resolution shall be permitted to delay the decision of cases now pending before the commission involving rates on products of agriculture, and that such cases shall be decided in accordance with this resolution."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title, and agree to the same.

E. D. SMITH,
A. B. CUMMINS,
KEY PITTMAN,
Managers on the part of the Senate.
SAMUEL E. WINSLOW,
HOMER HOCH,
SAM RAYBURN,
Managers on the part of the House.

The report was agreed to.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. BUTLER] to the committee amendment on page 39.

Mr. MOSES. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from New Hampshire will state the inquiry.

Mr. MOSES. I understood the Chair to state that the pending question is the amendment offered by the Senator from Massachusetts to the committee amendment, as found on page 39 of the printed bill.

The PRESIDENT pro tempore. The Senator is correct.

Mr. MOSES. In that event, a purely formal change will have to be made in the amendment to the amendment. The amendment as proposed by the Senator from Massachusetts in its printed form can not well be adopted, and in the absence of the Senator from Massachusetts, I wish to suggest that his amendment should be changed so as to take the form of a proviso. It should be made to read, after line 14, page 39, "*Provided*, That the rate of postage," and so forth. I ask unanimous consent that that change may be made in the amendment proposed by the Senator from Massachusetts to the committee amendment.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire?

Mr. MOSES. I make the request in behalf of the Senator from Massachusetts, to whom I spoke of the matter last night.

The PRESIDENT pro tempore. The Chair hears no objection, and the amendment of the Senator from Massachusetts to the amendment will be changed accordingly.

Mr. MOSES. Mr. President, the amendment proposed by the Senator from Massachusetts does nothing more than to restore the provision of the existing law as it has existed since 1917, prior to which time newspapers and periodicals of the class dealt with by this amendment stood on exactly the same footing as all other newspapers and periodicals passing through the mails under the second-class postage rate. I can see no reason, as I have said so often in the course of the discussion of the bill, for Congress undertaking to classify reading matter in any periodical, and because of that fact the amendment which the subcommittee suggested at the bottom of page 38, and which was yesterday agreed to by the Senate, came into being.

We do not feel either that special preferential rates should obtain for any class of publications with reference to their advertising. Having already put the reading matter in all classes of publications upon a footing which makes them exactly equal before the law, we see no reason for failing to adopt the same course with reference to the advertising which those periodicals contain.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. MOSES. Certainly.

Mr. COPELAND. May I ask the Senator if it is not true that during the war, when income was badly needed, an exemption was made with reference to religious and fraternal periodicals?

Mr. MOSES. If the Senator is familiar with the chronology of the country, he will recognize that I stated that fact some time ago by saying that this policy was instituted in 1917. Not having been here at that time, I can not speak of the motives which actuated Congress in instituting the distinction at that time. My opinion is that it was done in order to soften the opposition to the institution of the zone system, which was put in vogue at that time for the purpose, as the Senator from New York pointed out, of raising revenue.

It is my opinion that this exemption was carried in those provisions in order that a group of opponents to the proposal might be silenced. At any rate, the policy is not of such long duration that it may be considered as a settled policy, either of the Congress or of the department; and when we find periodicals of this classification carrying 40 per cent or more of their total column or page area in advertising, which advertising is sought in competition with all newspapers and periodicals of all classes, it is an untenable proposal that Congress shall continue this special preferential treatment to that class of publications.

Mr. President, the life history of these periodicals and newspapers is such as to lend no support to the theory that they require or should have on any basis the special preferential treatment which would be given them by the amendment proposed by the Senator from Massachusetts [Mr. BUTLER].

Mr. NORRIS. Mr. President——

Mr. MOSES I yield to the Senator from Nebraska.

Mr. NORRIS. If the amendment proposed by the Senator from Massachusetts shall prevail, it will put the law back where it was before this proposed legislation was attempted?

Mr. MOSES. Yes.

Mr. NORRIS. Would the amendment of the Senator from Massachusetts apply to the reading matter and advertising alike?

Mr. MOSES. Yes.

Mr. NORRIS. The Senator's contention is that neither the reading matter nor the advertising of such publications included in the amendment should have any preferential treatment? Is that correct?

Mr. MOSES. Yes. My contention is that the already highly preferential second-class postal rates which are enjoyed by periodicals of all kinds should be applied equally to all classes of publications.

Mr. NORRIS. I am not criticizing the Senator's attitude. What I wish to get at is the real status here. There are those in the Senate who believe that publications of this kind which are conducted not for profit, and out of which the publishers are not making any money, are entitled to a little different treatment from that accorded to other publications; but there are at least some who believe that, even as to this class of publications, a preferential rate should not be applied to advertising matter. Those who believe in that theory and wish to give the reading matter a preferential rate in the class provided for by the amendment of the Senator from Massachusetts, but who are opposed to giving any such preferential rate to advertising matter in that class of periodicals, are not able by their votes to express their real sentiments on the proposition.

Mr. MOSES. That is true, Mr. President.

Mr. NORRIS. There is not anything in the bill or in the pending amendment, is there, that would differentiate in that class of publications between reading matter and advertising matter?

Mr. MOSES. No, Mr. President; but if it will assist the Senator from Nebraska in any way in the drafting of an amendment to meet a situation such as he apparently has in mind, I am entirely willing to point out that when the status of this bill shall be such that the individual amendments may be offered the Senator from Nebraska may then readily offer a proviso to be added as an amendment at the bottom of page 38 which would take care of that situation.

Mr. NORRIS. Before the Senator from New Hampshire leaves that point, I desire to say that in order to do that the amendment now pending ought to be——

Mr. MOSES. The amendment ought to be disagreed to.

Mr. NORRIS. It ought to be disagreed to. If the amendment were agreed to, such an amendment as I have in mind would be inconsistent with it.

Mr. MOSES. I think so.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. MOSES. I yield to the Senator from New York.

Mr. COPELAND. I do not want the Senator from New Hampshire to think that I am stubborn or obstinate about this matter, but I am sure he recognizes a distinction between a religious publication, the profits of which do not go to the benefit of any individual or of any corporation, but which are used wholly in religious propaganda, and an ordinary newspaper which is printed not alone to convey information but in order to make profit for the owner.

We have many such religious publications, not alone the Christian Science Monitor, but we have the various Advocates published by the Methodist Church and the religious journals of the Baptists, the Congregationalists, the Presbyterian Church, and the Catholic Church. We also have the War Cry of the Salvation Army, as well as the various fraternal magazines such as the Elks magazine and various others which are published by the Masons, the Odd Fellows, the Moose, and other organizations. The profits of all those publications are used to take care of homes for the aged or homes for children, for the relief of persons who would otherwise be upon the public and be a public charge. I am sure that the Senator from New Hampshire recognizes a difference between the publication of such periodicals and the treatment they should re-

ceive from the Government and the newspapers which are published for revenue only. Am I right?

Mr. MOSES. Mr. President, I think it was Artemus Ward who said it was "better to know fewer things than to know so many things that ain't so." When the Senator says that he is sure that I recognize such a distinction he is very much in error. I do not recognize such a distinction before the law. We are legislating for the entire country, for everybody who uses the post office, and it is my theory, as it was the theory of the subcommittee in recommending this amendment, that we should make all persons, all organizations, all sects, all beliefs, all creeds equal before the law, and we have sought to do nothing else.

The Senator from New York adverts to the uses which may be made, and which probably are made, of any profit which inures from this class of publications. As I have said fifty times since first addressing myself to the subject before the Senate, it is true that these publications do not exist for the purpose of profit in the form of a distribution of dividends to individual stockholders; but, Mr. President, every one of them exists for the purpose of profit in the payment of very considerable salaries to those who have to do with their editorial management and publication. That was brought out in the course of the hearings before the subcommittee. It can not be gainsaid that such positions in connection with these periodicals constitute prizes among the groups who manage them. That is well known, I suppose, to everybody who knows anything about the internal workings of such institutions; and in that sense, Mr. President, it is probable that many of these periodicals which do not make money for distribution to stockholders will be found to have distributed their earnings in the form of salaries.

The type of legislation contained in this amendment and the type of legislation contained in the statute of 1917 is a type of legislation which ran counter and runs counter to the entire policy of the Post Office Department in dealing——

Mr. COPELAND. Mr. President——

Mr. MOSES. Let me finish, please—in dealing with this class of publications, because the Hughes commission points out distinctly that the Post Office Department invariably refused to give the old second-class rate privilege to periodicals of this kind which accepted advertising which had nothing to do with the purposes of the order or the organization enjoying the preferential rate.

These periodicals have come to be packed with advertising of the most general nature which has nothing to do with any of the tenets of any sect or any of the principles of any order. They exist in the mails exactly as do all other newspapers and periodicals enjoying the second-class privilege, and exist in a very real sense for the purpose of making money. It is the contention of the committee that that is a condition of affairs which should not receive the sanction of the statute, and that if we are going to legislate we should legislate for everybody alike. I now yield to the Senator from New York.

Mr. COPELAND. Mr. President, the Senator in his remarks spoke about equality before the law and treating all publications alike. It has been the custom through the ages to relieve all eleemosynary institutions of taxes; there has always been a distinction in the minds of the people between the ownership of property which has been utilized for private advantage and property which has been used for church or fraternal purposes. There is not any doubt in my mind that these journals are clearly entitled to the same consideration from the Congress that is given to church and fraternal property in the way of exemption from taxation.

The Senator referred to the salaries paid. As a matter of fact, I do not believe there are any publications operated anywhere so economically as those operated by the various churches. A great many times those employed are ministers of the given faith, who give freely of their time, feeling that they are serving a great cause; and every dollar of the profit is expended in some good work which makes for the relief of society or for the betterment of government.

I think it may be said of many of these journals that they are among the very fairest of those which present news to the public. During the recent Democratic convention, which held forth for several weeks in New York, I found myself every morning reading the Christian Science Monitor, because I thought I got from it a fairer statement of what was going on in the convention than I could get from a newspaper which was partisan. I think these publications are rendering a real service; and if they are paying liberal salaries to persons who are in editorial management, it is because they wish to have high talent. I do not believe, if I may say so in all kindness to the Senator, that he has quite presented a sound argument in favor of treating these publications in the same way that the secular press should be treated; and I hope the generous and kind Senator from New Hampshire may find it in his heart to give consideration to these religious and fraternal journals and treat them in some way so that they may not be required to pay quite the high rates which are proposed for other publications.

Mr. MOSES. Mr. President, the Senator from New York raises several points which I will try to deal with in order as I remember them. He speaks of the salaries which are paid to the managers of this type of periodicals. It so happens, Mr. President, that my father was a preacher; and I can well remember that the editorship in chief of the publications of that denomination of which my father was a preacher was looked upon as a very great prize, over which there was a very great contest in the general convention which elected such officer, because it carried much easier duties than those of circuit riding in a country parish and carried a much larger salary.

The Senator from New York, during the 103 rounds which were fought out in the Madison "Bear" Garden last June, read the Christian Science Monitor as a newspaper, and that is how I want to deal with the Christian Science Monitor now—as a newspaper. When it carries 40 per cent of its space in advertising, as that journal does, it can not be said that it is not a newspaper and that it does not exist in very large measure for the purpose of disseminating advertising.

Further, Mr. President, there are many periodicals of this class which are general literature. There is one which is known to every Member of the Senate which has a circulation of something like a million copies, which has accumulated a cash surplus of something like a million dollars, which has built at least two complete buildings for its use, which I understand pays its assistant editor a salary of $25,000 a year, and which is in direct competition with every periodical of general literature in this country, both for advertising and for subscriptions; yet that periodical circulates all over the country in every zone at a flat rate of one cent and a quarter per pound on both its reading matter and its advertising.

But, further, Mr. President, if what the committee proposes is a hardship, if what the committee proposes runs counter to the ethical sense of the country, if what the committee proposes is going to work detrimentally to the Postal Service, all that can be ascertained in the course of the complete and extended hearings which will be held by a special joint subcommittee of the two Post Office Committees as provided by the last amendment which the committee submits to this bill. Nobody knows to-day what the exact effect of these amendments will be, except that they will produce additional postal revenue, except that they will enable us to go forward with legislation to which Congress is fully committed, and which, in my opinion, is wholly justified. One man's prophecy is probably as good as another's as to the ultimate result of this legislation in its present form; but I want Senators constantly to bear in mind that these rates which the subcommittee proposes, and which it is my duty to defend and to preserve so far as I can in their integrity as this measure advances through the Senate, are only temporary. They serve a purpose now, and when put into application they will give us the opportunity to show what their effect will be upon postal revenues and upon the industries affected.

Mr. COPELAND. Mr. President——

Mr. MOSES. I yield to the Senator from New York.

Mr. COPELAND. Is not the statement just made by the Senator an admission that probably the bill is a bad bill with these rates?

Mr. MOSES. Oh, Mr. President, I do not admit that the bill is a bad bill. The bill is a mighty good bill.

Mr. COPELAND. The Senator says that the rates are only temporary——

Mr. MOSES. Yes.

Mr. COPELAND. Until a scientific bill can be worked out.

Mr. MOSES. No; I did not say a scientific bill. I have never said that. I have said—and I beg the Senator from New York to permit me to state my own position—I say that when we are confronted with the necessity of raising this money, we can raise it only by the increase of postal rates.

The Senator from New York is too intelligent to have misunderstood me as I have repeated this over and over again; and we have undertaken to allocate this money through the four classes of mail matter. Every allocation of money which causes somebody to pay something into the Federal Treasury meets with opposition; and because it may be that some of the rates now proposed would not serve permanently, the last amendment which the committee submits has been

drafted. It may prove, on the investigation which we purpose to hold, that these rates, after all, are the rates which should exist in perpetuity.

Mr. COPELAND. Did not the Senator say in his speech the other day that this is stop-gap legislation?

Mr. MOSES. Yes; and the Senator knows perfectly well what I meant by that. The Senator knows perfectly well that I meant that unless we have legislation of this character we can not grant the increases of postal salaries which the Senator wishes to grant as earnestly as I do, does he not?

Mr. COPELAND. I certainly do.

Mr. MOSES. Well, then, go on and mutilate the bill so that we can not grant them.

Mr. COPELAND. But I think those rates should be granted in spite of the passage of this bill. I do not think there is any relationship between the passage of this bill and the question whether those underpaid postal employees should have their increase or not.

Mr. MOSES. Mr. President, let me say to the Senator that that question has already been determined here. He and I happened to vote together for the passage of the salary increase bill and to pass it over the President's veto. He and I have no difference of opinion about that; but the President has created a relation here between postal rates and postal salaries, and the Senate has passed upon it. If the Senator wishes to go forward now with what I deem to be a thoroughly justifiable proceeding, namely, of increasing postal salaries, he will have to go forward with it as I have to go forward with it, under conditions as they exist, not under conditions as the Senator and I would like to see them.

Mr. COPELAND. Mr. President, I assume that the Senator from New Hampshire has given me a warning that unless this bill passes with the increased revenue involved in it, there will be another veto. So far as I am concerned as a Member of the Senate, I do not purpose to have my vote regulated by the fear of a veto. It is my business as a Senator to vote for a bill or vote against it according to my judgment as a Senator, and I am not going to be influenced in my vote by the fear of a veto. I conceive it to be the right, of course, the constitutional right, of the President of the United States to veto any measure, and I know that he has a right to communicate in writing to the Congress about his wishes. I find that the stomachs of some of the Senators are written on by White House buckwheat cakes and sausage in the morning, and then, when higher committees are involved, their minds are written upon by the silver of the state dining room. I am going to vote for this bill according to my judgment as a Senator, and not by reason of any fear of what the President may do with it if we amend it along certain lines which make for its betterment in our judgment.

Mr. MOSES. Mr. President, I hail the Knight de la Mancha in postal salary increases.

Mr. NORRIS. Mr. President, may I ask the Senator a question before he sits down?

The PRESIDENT pro tempore. The Senator from Nebraska——

Mr. NORRIS. I want to ask the Senator—I think we have not reached it yet—where this amendment comes in.

Mr. MOSES. The amendment is offered as a proviso to be inserted at the end of line 14 on page 39 and will give this special preferential rate to the class of publications enumerated.

Mr. NORRIS. Yes. Now let me ask the Senator whether there is anything in the bill or in any amendment pending which proposes to give a preferential rate to a publication which carries no advertising at all or which has less than 5 per cent advertising space in it?

Mr. MOSES. Mr. President, a newspaper of this character that carries less than 5 per cent of its space in advertising is not subject to the zone rate of postage for its advertising but is carried through the mails flat at a cent and a quarter a pound, just as those publications are now carried.

Mr. NORRIS. For its carriage there are no zones?

Mr. MOSES. No.

Mr. NORRIS. It is a flate rate?

Mr. MOSES. Absolutely; and that means, Mr. President, that a publication of this character which does not go into competition for advertising, which makes advertising a minor feature of its publication, suffers no change whatever in rate.

Mr. SIMMONS obtained the floor.

Mr. WATSON. Mr. President, may I ask the Senator a question?

Mr. MOSES. I yield first to the Senator from Indiana.

Mr. SIMMONS. I thought the Senator had finished his speech.

Mr. MOSES. I thought I had, too, but the Senator from Indiana wishes to ask me a question.

Mr. WATSON. How much revenue is involved in this amendment?

Mr. MOSES. Mr. President, that is most difficult to say; but, speaking roughly, certain of the publications which have made outcry about it present in their totals more than a million dollars; and they are not all of them, either.

Mr. WATSON. Does the Senator think that is a fairly accurate estimate?

Mr. MOSES. Oh, no. My opinion is that it will run much higher than that. I am speaking only of those publications which have come to me and have made a very determined outcry against this proposal, and they have undertaken to tell me how much it will cost each of those publications; and, running them over roughly in my mind, I should say that even those would come to a million dollars.

Mr. WATSON. Then, of the additional sum of $68,000,000 involved in the salary increase, the amount raised by the committee bill, if it goes through, is about $30,000,000?

Mr. MOSES. That is a matter about which there is wide division of opinion; and let me say in that connection that there is wide division of opinion in the Post Office Department itself about the cost ascertainment and about these estimates. There is one group down there that maintains a certain opinion, and there is another group that maintains a diametrically opposite opinion.

Mr. STERLING. Mr. President, may I suggest——

The PRESIDENT pro tempore. The Senator from North Carolina has the floor.

Mr. MOSES. No; I have the floor, Mr. President.

Mr. SIMMONS. The Chair, I think, recognized me.

The PRESIDENT pro tempore. The Senator from North Carolina has the floor.

Mr. MOSES. Then I beg pardon of the Senator from North Carolina. I thought I still had the floor.

Mr. WATSON. I did, too. I thought the Senator from New Hampshire still had the floor.

Mr. STERLING. Mr. President, will the Senator yield to me for a suggestion?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from South Dakota?

Mr. SIMMONS. I yield to the Senator, of course.

Mr. STERLING. I want to say, Mr. President in regard to the suggestion of the Senator from New Hampshire that there is one group down in the Post Office Department that entertains certain views with regard to the cost-ascertainment report that we know nothing officially from that group. The only thing we have before us here is the cost-ascertainment report and the estimate of the Postmaster General and his chief assistant in regard to it and in regard to what certain rates will produce in the way of revenue; that is all. I know nothing myself about the views entertained by any other group in the Post Office Department.

Mr. SIMMONS. Mr. President, I want to express my appreciation of the frankness and the fairness displayed by the Senator from New Hampshire [Mr. MOSES] in all of his discussions of this question. He was exceedingly frank in his discussion of the so-called Butler amendment. The Senator in discussing that amendment made it clear that he is opposed to granting special consideration to publications in the interest of education, religion, and science in the fixing of postal rates.

Mr. President, the proposal of the present bill with reference to this matter involves a change of policy on the part of the Government in dealing with this question. I think an inspection of the legislation, especially of the past 10 years, will disclose the fact that we have uniformly, not only in our postal laws but in our revenue laws, recognized as a matter of public policy the wisdom of making special exemptions in the interest of education, religion, philanthropy, and science.

That policy has been written all through our revenue legislation since our entrance into the World War. Our revenue policy before that time was of such a character that these interests were not to any considerable extent involved, but in the revenue legislation of the war period and the period since the war these benevolent, religious, scientific, and educational interests have been much involved, and in every instance where they have been so involved we have provided for special consideration with respect to them.

I have in my hand the revenue act of 1918. I have not recently examined all of these acts, but I am substantially familiar with them and I know the same policy is disclosed in all of them. In the act to which I have just referred we imposed a tax on admissions to theaters, and so on, and in the imposition of that tax we exempted these interests from these admission taxes. I quote from that act:

No tax shall be levied under this title in respect to any admissions all the proceeds of which inure exclusively to the benefit of religious, educational, or charitable institutions, societies, or organizations, societies for the prevention of cruelty to children or animals, or exclusively to the benefit of organizations conducted for the sole purpose of maintaining—

Certain other institutions which I need not read. That provision was carried forward into the revenue act of 1921. In the 1921 act we imposed a gift tax, subjecting all gifts over a certain amount to the payment of a certain sum into the Federal Treasury. It was a new tax. It was not levied in any of the preceding revenue acts, and following out the policy of the former acts, we applied to this new tax the same provision for the protection of these religious, philanthropic, benevolent, and educational institutions.

I quote from that act:

The amount of all gifts or contributions made within the calendar year to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children—

Are exempt from the provisions of this tax.

I think it will be found that that policy, so established, runs through all our revenue legislation. The same policy finds expression in our present postal laws. In our present postal laws a discrimination is made, deliberately, purposely made, in the rates imposed between secular publications and religious and educational publications. The advertising matter of secular papers is subject to a tax in excess of that imposed upon the reading matter. In these religious and benevolent publications no specific tax is imposed upon the advertising matter. The tax is upon the reading matter. Why have we so uniformly in the past made this distinction?

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. I yield.

Mr. MOSES. It occurs to me that the Senator is slightly in error in his statement when he says that the tax is only upon the reading matter. Under the present arrangement, the entire weight of the periodical, advertising matter and all, pays the flat rate of 1¼ cents.

Mr. SIMMONS. The Senator is technically correct about that; it is a flat tax on the total weight; but there is a clear distinction in the present law in favor of these religious and educational publications—the accorded exemptions from the specific and higher rates on advertising matter imposed on secular publications.

Mr. MOSES. Oh, yes; Mr. President, because the zone system does not apply to the advertising——

Mr. SIMMONS. A flat rate applies as against one and not as against the other.

Mr. MOSES. That is quite true, Mr. President, and, as the Senator has well said, that is also in pursuance of a long-established policy of the Government since 1917.

Mr. SIMMONS. That is the situation. The policy has been established in this country, and I think it would be difficult to find any exception from that line of policy since its establishment up to this time.

It is now proposed in the pending bill to reverse that policy and hereafter, so far as the precedent now sought to be set may influence the future, to place all publications upon the same footing, without regard to whether they are operated for private gain or religious and educational purposes without personal profit to those who conduct them.

Mr. MOSES. Mr. President, would the Senator be willing to accept this statement of the matter: That the proposals of the committee are to revert to pre-war conditions, so far as any element of preference is concerned?

Mr. SIMMONS. I would not accept that qualification, because I do not think that these discriminations were altogether confined to the legislation during the war period, or the post-war period.

Mr. MOSES. I think the Senator will find, and my impression is, that the recital of the situation which he gave is hardly correct.

Mr. SIMMONS. It is possible that I may be slightly mistaken so far as the mails are concerned. I am not so familiar in detail with postal legislation.

Mr. MOSES. That is what we are discussing now.

Mr. SIMMONS. I am discussing the general policy that obtains both in our revenue and postal laws and service.

Mr. MOSES. I want to point out to the Senator that this policy did not exist prior to 1917.

Mr. SIMMONS. In the Postal Service?

Mr. MOSES. In the Postal Service.

Mr. SIMMONS. Very well. I do not pretend to be informed as to that and I accept the Senator's statement.

Mr. MOSES. The proposals of the committee are based on that theory.

Mr. SIMMONS. I accept that correction because I am not entirely familiar with the policies which obtained in the Postal Service prior to 1917, but I am fairly familiar with our revenue policies and legislation in this respect.

Mr. MOSES. If the Senator will permit me further, I would say that up to something like 10 years ago the provision extending the second-class privilege as it then existed to this class of publications was narrowly limited by the uniform practice of the Post Office Department through their consistent refusal to grant even the old second-class mail privilege to periodicals of this nature which carried advertising which did not more or less directly relate to the interests of the organization issuing the periodical.

Mr. SIMMONS. I am quite prepared to accept the statement that the Post Office Department had construed with the utmost rigidity and strictness legislation in favor of those institutions.

It may be that our postal legislation did not apply this policy until 1917, but that this policy is now written in our postal and revenue legislation is beyond dispute, and it is equally true the proposed would reverse that policy.

Mr. MOSES. Mr. President, will the Senator permit me again to interrupt him?

Mr. SIMMONS. Certainly.

Mr. MOSES. This legislation did not originate with the Post Office Department or with either of the Post Office Committees in Congress. This legislation originated with the Ways and Means Committee of the House and was passed upon in the Senate by the committee over which the Senator from North Carolina presided with such distinction and ability during the most trying period of the national finances. It was not postal legislation. It was, as the Senator from New York [Mr. COPELAND] seeks to describe it, stop-gap legislation, and the postal authorities and certainly the Post Office Committees of Congress were vastly indignant that the Senator from North Carolina with his committee and the Member from North Carolina at the other end of the Capitol with his committee had invaded what the Post Office Committees looked upon to be their prerogatives.

Mr. SIMMONS. That is immaterial, and I accept the statement of the Senator that this special matter of legislation did not originate with the Post Office Department and did not originate with the Treasury Department; but it did originate with the people of the country, represented by the House and the Senate in the Congress of the United States. It is an expression of the awakened public sentiment of the country that these classes are entitled to preferential consideration.

Now, what is the basis of the legislation and why have we heretofore extended this special treatment to this class of periodicals? We have not done it without a reason. We have not written this into the legislation because of the importunities or the solicitation of these classes. We have done it for a reason. I want Senators to consider the reason which must have prompted us in adopting this policy in our legislation.

I know, so far as I am concerned, and I assume as to other Senators and Members of the other House who participated in enacting the legislation and who are responsible for it, that the main reason actuating us was that these organizations represent interests that lie at the very foundation of our civilization and of our progress and development as a people. They are engaged in work that is not conducted for private profit, but that is pursued in the interest of humanity and in the interest of a higher civilization. They do not represent gainful occupations. They represent charity. They represent benevolence. They represent Christianity. They represent science. They represent education.

Those are interests which, if they are taken care of at all in this country, have got to be taken care of by the public. They must look to the public for the means to support their operations. If they can not secure a ready response from the public, they can not successfully function. They must be financed either by taxation or through voluntary contribution, gifts, and benefactions.

Senators and Members, I think, when they wrote the legislation favoring these organizations into our laws, they felt that

the public was losing nothing by reason of giving the privilege and exemptions accorded these organizations, that we were not adding to the public burden but were relieving to some extent the public burden. We can change that policy if we want to, but if we change it, it ought to be for a better reason than that given by the Senators who advocate that change.

The Senator from New Hampshire seems to be under the impression that this is a mere question of business competition, that these religious publications contain much advertising matter and thus compete with the secular publications in advertising matter and rates, and because of such competition ought to be subjected to the same postal exaction as their secular competitors. The Senator is wrong; it is not a question of competition at all. The privilege contended for is based upon the difference between an organization operating for private gain and one conducted for purposes of public service and the general welfare.

If it is an organization for private profit, then it is subject to the law imposing greater taxes upon advertising matter directly. If it is not an institution for profit and gain, then it is not so subject. But it not only must be an institution not for profit or gain but it must be an institution whose business is carried on with a view of promoting the cause of religion, science, education, or charity. The distinction is not upon the basis alone of whether it is conducted for private profit, but also of whether it is conducted in the cause of education, religion, science, or charity.

Mr. President, I readily admit that these religious journals, or some of them, carry a large quantity of advertising. They could not live otherwise. It is a well-settled fact that it is difficult for news publications to make ends meet, to say nothing about profit, on its circulation alone. Many of the great papers of the country, and the small ones, too, so far as that is concerned, would to-day have to go out of business if it were not for the profits that they make upon advertising. These religious journals likewise must have profitable advertising or they can not live and carry their great work for human betterment. If these religious papers are to live—and the highest demands of Christianity and civilization require that they shall both live and prosper in their work to the best public advantage—they must at least make ends meet, and if they make a profit the public gets the benefit. That is true of the class to whom the Butler amendment applies.

I have no more interest in this matter than anyone else. True I have participated in accentuating the present policy, as the Senator from New Hampshire has stated, in our legislation of the past 10 years. I am very proud of my part in it. I do not believe that the Congress will overturn it and supplant it with the materialistic policy now advocated by the opponents of the pending amendment. I do not believe it wants to treat these organizations in that way. They are among the chief agencies through which our great religious and educational organizations work and reach the masses. If the Congress wishes to deprive them of the help extended to them by our present policy, then all I can do is vigorously to protest. The policy we have established is, I think, a good one. I wish it to be maintained inviolate, and I should like to extend it, Mr. President, so far as I am concerned. That is a question for Congress to settle.

The Senator from New Hampshire has stated that this legislation will be easily evaded; that publications not strictly entitled to the privilege according to the purpose and intent of Congress will secure it by various means of evasion and subterfuge. Mr. President, I do not know what they have been able to do in the past. I understood the Senator from New Hampshire to indicate that the department has been rather rigid in its rulings about the matter; that it has been rather strict in applying the law against the privilege.

This particular amendment, however, has a provision in it that I do not find in the other legislation with respect to the subject. Especially when it is to be interpreted and applied by a governmental department naturally disposed to construe legislation in favor of the Government and against the individual beneficiary, the provision of the amendment will, I think, be ample to protect the Government against any ordinary artifice of evasion of the intent of the statutory requirements. The amendment provides—

> and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General, at such times and under such conditions as the Postmaster General may prescribe, satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual.

That means that the department shall find as a condition precedent to granting this privilege that the entire net income of the publication goes not into the pockets of any private individual but that it goes into the service of religion, if it be a religious publication, or that it goes into the service of education, if it be an educational publication. The question is, Does Congress want to put its hands upon that income which is to be expended and used for these sacred purposes?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts [Mr. BUTLER].

Mr. MOSES. I suggest the absence of a quorum.

Mr. HARRELD rose.

Mr. MOSES. I withdraw my suggestion if the Senator from Oklahoma desires to speak.

Mr. HARRELD. I wish to offer an amendment, but I believe I shall wait until after quorum call, as I have not the amendment quite ready.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. MOSES. Just a moment. If the Senator from Oklahoma [Mr. HARRELD] is ready to present his amendment now, I will not make the point of no quorum.

Mr. HARRELD. I had rather present my amendment after the roll call shall have been concluded.

Mr. MOSES. Very well. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fletcher	McKinley	Shipstead
Ball	Frazier	McLean	Shortridge
Bayard	George	McNary	Simmons
Bingham	Gerry	Mayfield	Smith
Borah	Glass	Means	Smoot
Brookhart	Gooding	Moses	Spencer
Broussard	Hale	Neely	Stanfield
Bruce	Harreld	Norris	Stanley
Cameron	Harris	Oddie	Sterling
Capper	Heflin	Overman	Swanson
Caraway	Howell	Owen	Underwood
Copeland	Johnson, Calif.	Pepper	Wadsworth
Couzens	Johnson, Minn.	Phipps	Walsh, Mass.
Dale	Jones, N. Mex.	Pittman	Walsh, Mont.
Dill	Jones, Wash.	Ralston	Warren
Edge	Kendrick	Ransdell	Watson
Edwards	Keyes	Reed, Mo.	Weller
Ernst	King	Reed, Pa.	Willis
Ferris	McCormick	Sheppard	
Fess	McKellar	Shields	

The PRESIDING OFFICER. Seventy-eight Senators having answered to the roll call, there is a quorum present.

Mr. HARRELD. I offer an amendment to the amendment of the Senator from Massachusetts [Mr. BUTLER], and I ask that the Secretary may read it.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. At the end of line 5, on page 2, of the amendment offered by the junior Senator from Massachusetts [Mr. BUTLER] it is proposed to insert the following additional proviso:

> *Provided further*, That these special postal rates shall not apply to any such periodical which pays excessive salaries to its editors, managers or employees, or to any periodical which pays to such editor, manager, or employee a salary greater than $12,000 per annum, and before being entitled to such rate shall furnish to the Postmaster General satisfactory evidence of the salaries paid by such periodical.

Mr. HARRELD. Mr. President, before the subcommittee that had this matter under consideration there was some proof that magazines and periodicals that belonged to the particular classes mentioned in the Butler amendment, while not printed for profit and not making profits or paying dividends, were in many cases paying excessive salaries to their editors, which, of course, is another way of making profits. There is nothing under this bill as it stands that would prevent a man who owns a periodical which is paying him a profit of $25,000 a year from making of it a journal that comes within the provisions of this amendment, and paying to himself that profit as a salary, thus avoiding these rates.

This amendment is proposed to meet that situation. It has been mentioned by the Senator from New Hampshire that one periodical pays its assistant editor $25,000. We are not informed what it pays its principal editor. I do not know what magazine the Senator from New Hampshire had in mind, but that is possible; and whenever a periodical pays salaries of that kind to its editors it is no longer a religious periodical,

it is no longer a fraternal periodical, it is no longer a scientific periodical; it is purely a periodical published for profit, just as much so as if it paid dividends to stockholders.

The investigation before the committee brought out the fact that the Christian Science Monitor pays its editor $12,000 a year. That is one of the best edited papers in the United States. If it can get its editor for $12,000 a year, then any other magazine that comes within the provisions of this law ought to be able to get its editor for $12,000. That is the reason why I have fixed the limit at $12,000.

I think the amendment is very pertinent to the issue, and I hope it will be adopted.

Mr. MOSES. Mr. President, a parliamentary inquiry. May the amendment be offered in the present status of amendments?

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that the motion to strike out decreases the extent of the Butler amendment and is in order.

Mr. MOSES. Is the Senator's amendment in the form of a motion to strike out?

The PRESIDING OFFICER. It is in the nature of a proviso that is attached to the end of the amendment offered by the Senator from Massachusetts.

Mr. MOSES. It is an amendment to the amendment proposed by the Senator from Massachusetts to the amendment proposed by the committee.

Mr. HARRELD. It is a proviso, though.

Mr. MOSES. This is a proviso, is it not?

Mr. FLETCHER. Mr. President, may the amendment or the proviso be stated?

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 2, line 5, of the amendment offered by the junior Senator from Massachusetts, it is proposed to insert the following additional proviso:

Provided further, That these special postal rates shall not apply to any such periodical which pays excessive salaries to its editors, managers, or employees, or to any periodical which pays to such editor, manager, or employee a salary greater than $12,000 per annum, and before being entitled to such rate shall furnish to the Postmaster General satisfactory evidence of the salaries paid by such periodical.

Mr. FLETCHER. It seems to me that is a matter rather difficult to ascertain, and that it is rather dangerous to delegate to the Postmaster General power to determine what are excessive salaries.

Mr. JOHNSON of California. Mr. President, I have just heard the particular amendment read. Apparently, judging from the reading of the amendment, it exempts those publications which pay salaries of $12,000. Am I accurate in that?

Mr. HARRELD. No, sir. The Senator will see that the first provision was that the rate shall not apply to any periodical which pays excessive salaries to its editors, managers, or employees. That means salaries greater than those paid to editors of other periodicals of the same kind. Then comes the provision of which the Senator speaks, that in no case shall any periodical be entitled to this rate where it pays a greater salary than $12,000 per annum.

Mr. JOHNSON of California. Mr. President, I can not support an amendment which fixes a limitation of $12,000 per annum upon a salary which may be paid, and particularly I can not do it in view of the testimony which has been referred to upon the floor here regarding various publications. In addition to that, to say, in language generic in character, that none shall pay excessive salaries, leaves the matter, in my opinion, ultimately to conjecture and doubt. What might seem an excessive salary to the distinguished author of the amendment or to the Senator from New Hampshire might not seem to me an excessive salary; and it might seem to me, too, that most of the editorial writers of the day are paid excessive salaries anyway. While some are worth much more than $12,000 a year, many are worth much less. I do not think many of them ought to be paid a quarter of a cent, and I think we would be better off if such were not paid at all, and if they did not even exist. However that may be, to leave to some uncertain determination what may be an excessive salary will lead to difficulty and doubt in the future.

Now, Mr. President, I want to say just a word about the amendment generally.

Mr. HARRELD. Mr. President, will the Senator yield?

Mr. JOHNSON of California. Yes; I yield.

Mr. HARRELD. I do not know whether the Senator heard the explanation or not. I explained that I arrived at the amount of $12,000 because before the committee there was testimony that the chief editor of the Christian Science Monitor is paid $12,000, and that is one of the best edited papers we have, and if its editors are paid that salary certainly the editors of other magazines coming within the same class would not be entitled to more.

Mr. BAYARD. Mr. President, may I interrupt to ask the Senator from Oklahoma a question.

Mr. JOHNSON of California. I yield.

Mr. BAYARD. What percentage of the papers of this country pay their editors $12,000 per annum?

Mr. HARRELD. I can not answer that question. I do not think it was brought out in the hearings.

Mr. JOHNSON of California. Mr. President, I find myself utterly unable to agree either to the language of the amendment which is used in the first part of the amendment or to the limitation which is placed in the latter part of it.

Passing that, however, the question is broader, it seems to me. I should be very glad indeed to vote to exempt or to give the preferential rates, as the case may be, to periodicals that are of religious, educational, scientific, and philanthropic character, and the like. I hesitate to give preferential rates to a publication which is filled with advertisements and maintains a mere newspaper staff and runs in reality a newspaper, because by so doing we are dealing unequally with other newspapers.

I am not concerned with the question of raising revenue under this bill at all. I do not subscribe to the doctrine that it has ever been the policy of this country or the policy of the legislative branches of the Government of this Nation to pay as you go in connection with any department like the Post Office Department. I insist, as I insisted when the bill originally was before the Senate, that if those who are the employees of the United States Government are entitled to a living wage, they are entitled to it irrespective of whether some rates within the Post Office Department should be raised or should be lowered. I am neither a prophet nor the son of a prophet, but I indulge in this speculation: There will be no legislation this year, in this session, increasing the salaries of postal employees, and if I had the facility of expression of the Senator from New Hampshire [Mr. MOSES] or the ability and the eloquence of the Senator from Idaho [Mr. BORAH], I would engage in a debunking process concerning the bill that is now pending before the Senate.

This bill purports to raise certain revenue to meet a just advance in wages. It is not going to do anything of the sort when we have concluded with the bill, and there is not a Senator upon this floor—I do not care whether he be the strictest party man that there may be in the United States, and I care not whether he be the most abject gentleman who responds to the administration or not—there is not a Senator upon this floor but knows that the bill that is pending before the Senate to-day will not raise the revenue with which to meet the increased salaries or wages of the men who are working in the Post Office Department.

Knowing that fact, what is the result? The Senator from South Dakota, as I understood him yesterday, said: "The bill will be vetoed."

The Senator from New Hampshire, as I understood him, said yesterday that he is not embarrassed by that situation, because his attitude is the same as that which was mine and which was yours, most of you, when the bill was pending before the Senate. We are engaged here now with this bill, Mr. President, in a sham, a pretense, and a fraud. I do not say that in any spirit of criticism of any of the gentlemen who advocate the bill, nor do I question their motives. I say it is the natural sequence and the final result of what has happened; and, that being the case, perhaps it is of little consequence what we do with one kind of amendment or another.

I heard it stated this morning that if this bill ever gets into the House of Representatives it will be sent back here instanter with every one of these rates eliminated from it and the whole second division of the bill wholly omitted from the bill itself, and that then, in the shuttlecock that will occur between the two Houses, the remaining five weeks will have elapsed, and there will be no legislation at all. I do not know whether that is correct or whether it is not; but it is obvious if we have not the revenue raised here by which increases of the men in the Postal Department may be met, either we have been tilting at windmills in the past in talking concerning the raising of revenue or we will have no legislation when finally, if the two Houses shall act, there shall be a definitive conclusion in the matter.

The amendment, however, when presented to us, although the situation renders it of little consequence, of course, must be met. I am ready to meet it by giving to every educational, philanthropic, or religious periodical, or periodical of like

character, that is designed alone for those specific objects the preferential rates that are suggested.

I doubt very much the wisdom of saying that where advertisements play a large part in a newspaper, that paper may be included in this particular category. If I could, I would apply the particular preferential rates to publications that are wholly of the character of educational, philanthropic, and religious and fraternal publications.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from California yield to the Senator from Delaware?

Mr. JOHNSON of California. I yield.

Mr. BAYARD. I suppose the Senator read the morning papers, where the President was made to say, as I understood it—at least, in the New York Times—that on the 30th day of next June there would be a resulting surplus of $230,000,000 in the Treasury as a result of his administration's operations.

Mr. JOHNSON of California. I had not read it.

Mr. BAYARD. If that be true, why should not some part of that be used to take care of these raises in pay regardless of the rates?

Mr. JOHNSON of California. If there were a disposition to do the thing which ought to be done, to give to governmental employees a living wage, and to give the increased salaries to men in the Post Office Department who richly deserve them, we would concern ourselves, first, with the suggestion of the Senator from Delaware; if, however, we were concerned with raising the revenue to meet the increase, and if we really meant to give them the increases to which they are entitled, we would see there in the very reservoir the Senator suggests the way through which those increases could be met. That is simply another evidence that we are dealing with a pretense here in this bill.

Mr. MOSES. Mr. President, the Senator from California has done me the honor to suggest that he wished he possessed my facility in vocabulary. I wish that I possessed his vigor of statement. I must say to him, and say to the Senate, that, so far as I am concerned, in defending the integrity of this bill which the committee has charged me to report, I am dealing in no fraud, no subterfuge, no pretense. It is my belief, which I think I can substantiate before the Senate mathematically, that this bill, as the subcommittee reported it, will produce revenue sufficient to meet the situation which has been thrust upon us. I have no intention of speaking or acting other than frankly with my colleagues here with reference to any feature of the bill, and I can assure the Senator from California that, so far as the defender of this measure is concerned, there is no intention except to procure legislation which will give the postal employees the increases of salary which they merit, and I am glad to know that the Senator from California, if I correctly interpreted his remarks, will stand with me in voting against the pending amendments, which, if adopted, I think would militate against the good objects we have in view.

Mr. JOHNSON of California. Does the Senator expect that the legislation will be ultimately enacted into law at this session?

Mr. MOSES. I do.

Mr. JOHNSON of California. I am glad to hear that. We will watch the result.

Mr. HEFLIN. Mr. President, I can agree with some of the things the Senator from California [Mr. JOHNSON] has said. I think that this makeshift proposition is being urged largely for the purpose of deceiving and misleadng the postal employees, and I do not believe that the principle involved in this legislation should be allowed to become a precedent against the postal employees in the future. Why should this great Government hold up the postal employees every time we want to give one of them an increase in salary until some tax is imposed upon the public? We do not do that with other people working for the Government. When we raise the salaries of judges, or Federal officials at the Capital, we do not stipulate that there shall be no increase in salary until the money is raised by a certain kind of tax to be imposed and collected. Why should that be done in this particular with regard to the postal employees? I am convinced that they are entitled to an increase in pay and that increase ought to be provided as other Government expenditures are provided.

Mr. BALL. Will the Senator from Alabama yield, that the Chair may lay before the Senate the amendment of the House to Senate bill 1179?

Mr. HEFLIN. I yield for that purpose.

CLOSING OF CERTAIN STREETS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1179) to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes, which was, on page 2, line 12, after the word "the" where it appears the second time, to insert "written."

Mr. BALL. I move that the Senate concur in the House amendment.

The motion was agreed to.

ADJUSTMENT OF CERTAIN DISTRICT OF COLUMBIA ACCOUNTS

Mr. PHIPPS. Will the Senator from Alabama yield for a like purpose in regard to Senate bill 703.

Mr. HEFLIN. I yield if it does not lead to debate.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 703) making an adjustment of certain accounts between the United States and the District of Columbia, which was, on page 3, lines 8 and 9, to strike out "such purposes as it may from time to time provide" and insert "purchase of land and construction of buildings for public school, playground, and park purposes other than and in addition to sums appropriated for such purposes in the District of Columbia appropriation act for the fiscal year 1926."

Mr. PHIPPS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PERSONAL EXPLANATION—ATTORNEY GENERAL STONE

Mr. HEFLIN. Mr. President, I rise at this time to speak briefly about another matter. Because of recent occurrences in this Chamber in which I participated, and because of recent notices that have appeared in the press of the country regarding me and my attitude toward the Attorney General of the United States, Mr. Stone, because of his appearance in a certain case before the Supreme Court, I feel that I owe it to myself, to the Senate, and to the country, to say something regarding the issues involved.

It will be a sad day when any party in power can suppress free speech in this Chamber. It will be a sign of degeneracy and decay on the part of the Senate of the United States when a Senator is not permitted to rise in his place here and discuss the conduct and records of officials occupying positions of trust and grave responsibility, positions that affect vitally the welfare of the people, and the well-being of the Republic.

I am glad that the senior Senator from Iowa [Mr. CUMMINS], who, as the Republican Presiding Officer of the Senate, ruled last Saturday that I was out of order in discussing matters which involved the Attorney General of the United States, has, after carefully examining the rules of the Senate on the subject, reached the conclusion that his ruling was wrong, as he frankly admitted it was upon the convening of the Senate on yesterday.

I regret that because of that ruling I was not permitted to proceed at that time, but an honest confession is always good for the soul, and I am glad that it is still permissible for a Senator, representing a sovereign State in this body, to speak concerning matters that affect the public weal.

I have here several newspaper notices concerning the matter growing out of my effort to set myself right regarding a newspaper article which incorrectly stated my reason for criticizing the Attorney General for his conduct in a case of record before he became Attorney General. One of those newspaper articles stated that my reason for desiring to discuss this matter in the open was that "the public may know the truth." Another one said that—

During the secret session of the Senate—

Meaning the executive session of last Saturday—

bitter personalities were flung about the Senate between HEFLIN, his friends, and the administration leaders.

That will be amusing to the administration leaders, Mr. President, because no such thing as that happened in the executive session. I am anxious that the country may know the truth about the whole matter.

The executive session which was called last Saturday was in no way connected with the Wheeler case. The newspaper stories which went out from the Capitol would give the impression to the country that this difficulty arose in the Senate

about Senator WHEELER and the effort of the Attorney General to have him indicted in the District of Columbia. That was not the case. I rose in my place to reply to an article which appeared in the New York World stating that I was criticizing the Attorney General and opposing the Attorney General because he had been the attorney of J. Pierpont Morgan and that I was doing that because the Republicans had attacked Mr. Davis, the Democratic nominee for President in the last campaign, because they said he had represented J. Pierpont Morgan at one time.

I was proceeding to state that the reason for my criticism of the Attorney General was an argument he made in the Supreme Court regarding a certain case which is matter of record. The case was brought up from the courts of Delaware and argued in the Supreme Court of the United States.

I criticized the Attorney General because he insisted, in that case, that the Supreme Court should sustain the judgment of the lower court, which was in Delaware, where, I am convinced, an American citizen, a citizen of the State of Colorado, was denied his rights and deprived of his property without due process of law.

Mr. President, I desire to say something about this case now in the open Senate, because so much has been said in the press about my opposition to Mr. Stone. I stated the other day to my colleagues that I would not discuss this part of Mr. Stone's record in secret or executive session, and when the executive session was moved the Senator from North Carolina [Mr. OVERMAN] stated that when we got into executive session he would move to have the doors opened in order that I might make my speech in open executive session. That is the reason the executive session was voted for by a majority of the Senate. The Wheeler case had nothing on earth to do with it. It had not even been mentioned by any Senator in the open session of the Senate. When we got into executive session I did not and would not discuss behind closed doors what I thought the country was entitled to know. What I wanted to discuss I knew was a matter which the public ought to know, and that I could, without violating any rules of the Senate, discuss it in the open session of the Senate.

Our Supreme Court is the highest tribunal in the Republic, and I think those who aspire to places upon the bench of that court should be required to walk through this Chamber in open session, so that newspaper reporters and anyone else who wants to sit in these galleries and see and hear what transpires when we are passing upon the character and qualifications of those who seek to occupy a place for life on the bench of the highest court in all the world may do so.

It is a serious thing to make and confirm an appointment to the Supreme Court of the United States where a man can sit and use the tremendous power vested in him as long as he lives. It may be said that a justice of the Supreme Court might be impeached if his record were really bad. We know how ineffective the impeachment proceeding is, and how difficult it is to start impeachment proceedings against a Federal judge, even one who is not on the supreme bench.

No lawyer who aspires to that place should object to having his record discussed in the open, and the lawyer who does aspire to that place ought to be well grounded in the fundamental principles of justice. He ought to love to hug the Constitution to his heart. He ought to dedicate himself to its service, and he should, in all of his practice, from the time he is admitted to the bar until he finds himself on some bench where he construes the law, do that and that only which supports the Constitution and upholds the principles of justice.

No lawyer's duty to his client will warrant him in doing anything that violates the fundamental principles of justice. No lawyer's duty to his client will require him or justify him in invoking technicalities which, if sustained, will deny to the American citizen in the courts of the country his personal and property rights. That will deny to him the opportunity to come into court and be heard.

This case in which Mr. Stone appeared for the heirs of J. Pierpont Morgan is in many respects the most remarkable case that I have ever read. This was a case that grew out of a partnership between Colonel Ownbey and J. Pierpont Morgan, sr. They owned large mining interests and some ranches in Colorado and New Mexico. When the elder Morgan died the heirs of the estate proceeded to throw Colonel Ownbey into the hands of a receiver out in Colorado. His property was tied up, everything that he had, and soon after that they came back from the State of Colorado into another State where Colonel Ownbey did not live and proceeded against him with a writ of attachment issued under an old Delaware statute called the custom of London. As Mr. Stone pointed out in his argument before the Supreme Court, that old custom of London first became the law during the reign of George I of England, and under that attachment the attorneys for the Morgan estate attached everything that Colonel Ownbey had, in a court over here in Delaware, and they noted upon the attachment writ that they wanted bond fixed at $200,000.

Mr. Ownbey was invited by that court through that writ to come and answer and show cause why his property should not be disposed of as they sought to do. He came into court. He employed the firm of Ward, Gray & Neary. They went in and entered their names upon the docket as attorneys for Colonel Ownbey in the case that had been brought against him. Colonel Ownbey was there himself and his testimony ready to answer and to offer proof denying the allegations in the case against him. What do you suppose happened? The attorneys for the Morgan heirs demanded that he put up a $200,000 bond before they would consent for him to open his mouth in the case. They demanded that he gather up a money consideration of $200,000 before his lawyers could speak in his behalf.

What did he say? He told the court that everything that he owned had been tied up in the hands of a receiver out in Colorado asked for by the Morgan heirs and that it was utterly impossible for him to make a $200,000 bond.

The Delaware court accepted the view of the attorneys for the Morgan heirs and held that Colonel Ownbey could not appear and answer until he put up the $200,000 bond.

What do you suppose happened in the court then? The attorneys for the Morgan heirs moved to strike the names of Colonel Ownbey's lawyers off the docket, and that was done and Colonel Ownbey sat there in that court and witnessed the high-handed procedure which deprived him of his rights and took from him his property without ever permitting him to say a word in his own behalf. He was not allowed to answer because he could not muster $200,000 and bring it into court and lay it down to buy a permit for an American citizen to appear and answer a complaint filed against him in the civil courts of his country. That was all. Human rights were flung to the four winds. The constitutional rights of the citizen were trampled under foot. Money, filthy lucre, $200,000, was put above the rights of the citizen and the demands of justice, and Colonel Ownbey was not permitted to testify and his lawyers were not permitted to plead his cause. They sat there in court and the court gave judgment to destroy this man's business, and they did destroy it.

He appealed from the decision of the Delaware court on a writ of error and the matter finally came here to the Supreme Court. What do you suppose occurred in Delaware when appeal was taken from the lower court to the Supreme Court of Delaware? The same judges who tried the case in the court below and who denied him the right to be heard went up and sat with the other judges and helped to write the judgment against him for the second time. Then they appealed from that court to the Supreme Court, and Colonel Marshall, a very able lawyer of New York, who I understand has now succeeded to some of the practice that Mr. Stone used to have in connection with the Morgan interests, appeared and made a very strong argument before the Supreme Court and urged that this man had been deprived of his rights and his property without due process of law. Mr. Stone appeared for the Morgan heirs. His firm previous to that time had employed the lawyers to look after the case in Colorado, as I understand it, and had Saulsbury and others to look after it in Delaware; but when it came to the Supreme Court of the United States Mr. Stone, now Attorney General of the United States, appeared and took the position that the judgment of the lower court ought to be sustained, and argued that from his understanding and interpretation of the Constitution no injustice had been done, no wrong had been perpetrated against Colonel Ownbey, and he vigorously urged the highest court in our country, the court from which there can be no appeal, to sustain the judgment of the lower court.

When a man comes to occupy a high place like the office of Attorney General of the United States who holds the views that Mr. Stone holds about the Constitution, I wonder if that fact alone would not tend to discredit him and unfit him for any high judicial office. If he believes that it is all right to bring a citizen from another State and try him, without permitting him to be heard, under an old statute called the custom of London, foisted upon the colony of Delaware 200 years ago and resorted to in court procedure but a very few times in its history, the Senate ought to know it and the country ought to know it.

Yes; Mr. Stone, the present Attorney General, insisted that the judgment of the lower court in Delaware should be sustained. He is therefore as much responsible for the treatment

accorded to Colonel Ownbey by the lower court as if he had been in the case from its inception, because when he came to study the case and review the record he knew exactly what had occurred, and all the way from Delaware to the Supreme Court Colonel Ownbey was never once permitted to offer his evidence to show that the allegations set out against him were not true.

Mr. OVERMAN. He offered to put up as security 33,000 shares of stock, for which he had been offered $1,500,000, and they would not take it.

Mr. HEFLIN. I thank the able and courageous Senator from North Carolina for that suggestion. Yes, Mr. President, he offered all that he had—33,000 shares of stock. "Take my stock and all, but for God's sake make your lawyers and judges of this court let me testify. Let me offer my evidence. Let me be heard." But they would not do it.

I think we ought to be exceedingly careful about who goes on our Supreme Court bench. It is a great tribunal, one of tremendous importance and power.

Let us not fail in our obligations to protect and preserve it in the highest and best sense of that term.

In the case I speak of Colonel Ownbey was represented by Mr. Marshall before the Supreme Court. He said, in substance: "What did they do in Delaware?' He said, "They called him into court and when he came into court they refused to allow him to testify." It was one of the most outrageous pieces of judicial tyranny that has ever come to my attention.

Mr. SIMMONS. Did it not go further than refusing to let him testify? Did they even let him have counsel?

Mr. HEFLIN. Not at all.

Mr. SIMMONS. Did they allow him to enter any appearance whatever?

Mr. HEFLIN. None whatever. They struck his lawyers' names off the docket. He had employed them and paid them, but the court would not let them appear for him. Nobody appeared for him.

Mr. WALSH of Massachusetts. Did the Supreme Court of the United States sustain the decision of the Delaware courts?

Mr. HEFLIN. Yes; I am sorry to say that it did. It was a divided court.

Mr. WALSH of Massachusetts. On what ground?

Mr. HEFLIN. Chief Justice White dissented, and Associate Justice Clarke dissented, and I have understood that Justice McReynolds did not agree altogether with the opinion rendered in the case. My criticism also applies to the judges who sanctioned that opinion. I do not think that I commit any serious offense when I justly criticize the Supreme Court. As long as I am a Member of this body I reserve the right to comment upon and criticize the conduct of the Supreme Court. This Government was established for the welfare of the citizen. His welfare was the whole end and aim of constitutional government. The Government was created for his comfort and well being. What are we doing here to hold it true to the purpose of its creation? Are we going to permit an old statute containing the outrageous principles of an old custom of London to be invoked here and deny the American citizen the right to be heard in the courts of his country? Mr. Marshall argued before the Supreme Court, and I think he is right about it, that the statute violated the principles of amendments 5 and 14 of the Constitution.

Mr. OVERMAN. Justice McReynolds in the case said, "I concur in the result." That means as far as the law is concerned he concurred.

Mr. HEFLIN. Yes. He agreed that they had such a statute in Delaware.

Mr. WALSH of Massachusetts. How did they get jurisdiction in Delaware?

Mr. HEFLIN. The company was organized in Delaware.

Mr. WALSH of Massachusetts. It was a Delaware corporation?

Mr. HEFLIN. Yes; the corporation was organized in that State. Senators, we are coming into a materialistic age. We have already reached the time when commercialism and materialism are becoming the dominant forces in our Government. We will probably reach the time, unless we call a halt and put a stop to certain things, when the poor man who can not raise the money consideration required will have no rights in our courts. That is precisely what we have in this case. I do not care how lawyers may argue the technicalities, and how they may try to get around it by saying that that was the statute of Delaware; the fact remains, they can not be explained away, that Colonel Ownbey has been deprived of his property by a court which did so without due process of law.

If I had been one of the Delaware judges, I would have said: "This statute, called the custom of London, denies this American citizen his constitutional right, and I am going to let him testify and answer the complaint filed against him. You may appeal to the Supreme Court if you want to and let the Supreme Court say whether I should have sustained a musty, time-worn, tyrannical statute or protected the American citizen in his right to appear and testify when proceeded against in the courts of his country."

Mr. OVERMAN. What did they do with the 33,000 shares of stock?

Mr. HEFLIN. The court, without hearing him, ordered them to be sold.

Mr. OVERMAN. Who bought them?

Mr. HEFLIN. The Morgan heirs, I think, did they not?

Mr. OVERMAN. They did. For how much?

Mr. HEFLIN. What did they pay for them?

Mr. OVERMAN. Forty-one thousand dollars.

Mr. HEFLIN. Mr. President, this is a pitiful case. It is one that should appeal strongly to everyone who has any regard for right and justice. I have seen and talked to Colonel Ownbey. He is here now. He has talked to me about this case with tears in his eyes. He was once prosperous and happy, and was offered over a million dollars for his part in the Morgan company, but when they went through a receivership out there and tied him up under this statute in Delaware, they kept him gagged and tied until they broke him and sold his stock for $41,000, and bought it in themselves and threw him over on the roadside and left him in his old age helpless and almost penniless.

They did not do what the good Samaritan did when the man who journeyed to Jericho fell into the hands of thieves who robbed and beat and bruised him. The good Samaritan poured oil in his wounds, took him into a hotel, and told the hotel keeper that if he would look after the man he would pay him. This man was not treated in that way. They resorted to some sort of process of law, they dragged him into court, and when he got into court they sealed his lips, they denied him counsel. He told me that at one stage of the procedure he arose to protest as an American citizen that he was being robbed and denied his rights and that the court ordered a baliff to take him out. Senators, do you know of anything more calculated to make bolsheviks than things like that?

Mr. OVERMAN. Mr. President, I will ask the Senator from Alabama what the State of Delaware afterwards did?

Mr. HEFLIN. I am glad the Senator called my attention to that. Because of this particular case the Legislature of the State of Delaware amended that old custom of London statute and passed a retroactive amendment dating back to 1915 and runing up to 1918, I believe it was, purely and wholly, I am told, for the purpose of giving Colonel Ownbey the right to come in and plead without giving the bond required under the old custom of London statute. The Legislature of Delaware evidently felt that a grave injustice had been done to Colonel Ownbey. Then what happened? This man went before the same court under that amended statute and tried to have the judgment opened in order that he might then tell the truth and produce his testimony and be permitted to answer the complaint filed against him. But the same court again denied him the right to be heard, upon the ground that the retroactive amendment affected a judgment which had been already rendered by the court, and again they refused to hear him.

What did the Senate of Colorado do about this treatment of Colonel Ownbey? The Senate of Colorado unanimously passed a resolution condemning the Morgan heirs for this procedure against Colonel Ownbey and said, in substance, that they had practically ruined, or were trying to ruin, one of the best and most valuable citizens that ever came to Colorado. So, after two States have taken action regarding this case, certainly a Senator ought to be excused if he dares stand in his place in this body and call attention to men who are moving toward the Supreme Court with a record like the one made by Mr. Stone in this case.

Here is what Mr. Stone ought to have done: When he looked into that case he should have said, "I know we can win it; that old Delaware statute is a cruel thing; it has thorns and locks and chains in it for an American citizen; but we ought not to proceed under it. Let us dismiss this case and proceed in some other way and let this man be heard. He is an American citizen. Let us not take advantage of him. We are rich and powerful; we have millions; we can employ the best counsel in the country. Let us open up the case, let it be heard, and let the case be tried upon its merits." But, Mr. President, Mr. Stone, however, did not do that. He

insisted in his argument that the court should sustain the judgment and all that had been done in the lower court. When he did that, he became a party to the process employed to deny this American citizen "due process of law." There is no question about that. Let us see what our law books say is meant by "due process of law."

Here is a book from the Senate law library, a splendid work, called Judicial and Statutory Definitions of Words and Phrases. Let us see what it has to say about "due process of law":

The constitutional guaranty of "due process of law" prohibits every arbitrary interference with the property of a person, and protects every citizen in the possession, enjoyment, and disposition of his property; but it is not intended to interfere with the Government in determining by what remedies or process legal rights may be asserted or legal obligations be enforced, provided the method of procedure adopted for this purpose gives reasonable notice and affords fair opportunity to be heard before the issues are decided.

How was it, Mr. President, in this case? Was Colonel Ownbey ever heard? Not at all. Was he permitted to have counsel? He employed counsel and paid them, he told me, but what did the judges do? They struck their names off the record upon the suggestion of the lawyers of J. Pierpont Morgan's heirs. They sat there in silence and Colonel Ownbey sat there in silence while the judges proceeded to hear only one side of the case. Judgment was rendered against him—listen, Senators—by default.

Mr. President, I remember, when I was a boy 15 years old, a justice of the peace who resided in the precinct in which I lived, in Alabama, took judgment against an old negro by the name of Eugene Carrigan. Eugene frequently used big words without knowing their meaning. At the time I speak of the justice of the peace gave judgment against him by default, because he did not appear and answer the complaint that had been filed against him. The court thought he did not desire to contest the suit or had no answer to make, and therefore gave judgment against him. The next Saturday the court was again in session, and Carrigan walked into court and wanted to be heard. The judge asked, "Why were you not here last Saturday?" Eugene said, "Jedge, I got destitute on the day." "What?" said the judge. "I got destitute on the day." "What do you mean?" Eugene said, "I thought it was this Saturday instead of last Saturday." The judge asked, "Do you want to make any defense in this case?" "Oh, yes sir; I done paid this gentleman, and I got the receipt." The judge said, "All right, Eugene." He turned to the plaintiff and said, "I am going to open up that judgment; I am going to give this nigger a chance to be heard." And he was right in his ruling.

There is not a court in all the Southern States where a negro was ever denied his right to appear and be heard by himself or by counsel. I doubt if such a thing as happened in the Ownbey case has ever occurred in any other State in the Union. The justice of the peace in my State could have easily said, "You may have your receipt; you may have a defense, but you are too late; last Saturday was the time you were to be here." If, however, he had done that, he would have denied that citizen his rights and been guilty of knowingly denying justice to a citizen. Yet he could have done it under forms of law and said, "the judgment is already written; that is all there is to it; good bye"; and the negro would have gone out with the receipt in his pocket showing that he had paid a debt that he was about to have to pay again.

But what happened to Colonel Ownbey? The summons came to him, "Come in here, Colonel Ownbey, and show cause why this writ should not go through." He said, "Here I am." The reply was, "Yes, but have you got $200,000 about your person; you can not testify in this court under a writ such as this, Colonel Ownbey, unless you have the coin of the realm—$200,000." He said, "I haven't got it; everything I have is tied up; you have already got me in the hands of a receiver in Colorado; you have brought me here under a writ of attachment under an old custom of London statute that has been repealed in London for over 40 years and is not in use in the United States in any State except two or three; you have resorted to that old statute; you have dragged me across the continent, and I am here to answer, but you will not let me answer." That is this case in a nutshell, Senators.

But let me read a little further what the law says as to due process of law, and let us inquire if Colonel Ownbey was permitted to have it in this instance.

That the Constitution is the "law of the land" in the sense that no act of either department of the Government which violates its provisions or exceeds its powers can be enforced to deprive the citizen of his life, liberty, or property is a fundamental truth. To deny it is to assert that constitutional government is a failure and liberty regulated by law has no abiding place in our political system.

According to that doctrine this man did not have his property taken by due process of law, and yet Mr. Stone appeared in the Supreme Court and urged that court to the effect that Colonel Ownbey had not been denied his rights and that the court below ought to be sustained, and that, too, after the court below had stricken off the appearance of his attorneys, silenced him, sealed his lips, and rendered judgment against him by default when he was sitting in the court offering to testify and to give the truth regarding the case against him. The attorneys for the heirs of the Morgan estate moved to strike everything off the record, so that there would not be a line there to show what occurred in the court below when the case reached the Supreme Court, but the judges of Delaware said in effect, "No; you can not do that; the record must show that something happened," and so forth, on the other side, at some stage of the proceedings; but no permission was given to testify, no permission was given to plead. Is that due process of law?

Colonel Ownbey, stand up there! "You used to aid the Government in battling with the Indians in the West, did you not?" "Yes." "You were one of the torch bearers of American civilization penetrating the wilderness of the West, were you not?" "Yes." "You are a mining engineer, are you not?" "Yes." "You discovered rich mineral lands and ranch lands, and Morgan thought enough of you to take you into partnership with him, did he not?" "Yes." "And finally when he died his heirs sought to get you out, did they not?" "Yes." "How much did they offer you?" "A million and a quarter dollars, but I did not want to sell my property; I wanted to stay in." Colonel Ownbey told me that they said, "We will get you out," and they proceeded against him out there. That was in Colorado where he lives. What happened there after they proceeded against him? As I have said, the State Senate of Colorado unanimously—Democrats and Republicans alike—passed a resolution condemning the procedure against Colonel Ownbey and said he was one of the best citizens of that State.

Mr. REED of Missouri. Mr. President——

Mr. HEFLIN. I yield to the Senator.

Mr. REED of Missouri. I am interested in knowing whether the proceedings in Colorado were those in which a receiver was appointed?

Mr. HEFLIN. That is true.

Mr. REED of Missouri. Were the moving parties in that case the Morgan heirs?

Mr. HEFLIN. Yes; that is my understanding.

Mr. REED of Missouri. I am very particular to get that right. If I understand the Senator, the first thing the Morgan heirs did was to go to Colorado and apply for a receiver for the company in which Ownbey was interested. That, of course, would greatly affect the value of the stock that he held.

Mr. HEFLIN. Absolutely, and that is what he contended in the Supreme Court.

Mr. REED of Missouri. And having done that, having destroyed the value of his stock, they attached it in Delaware, but the value of his stock having been destroyed by the suit which they had already brought in Colorado, he was unable to raise the money to deposit or to give the security required under the Delaware statute.

Mr. HEFLIN. That is true.

Mr. REED of Missouri. If that is accurate, it is important.

Mr. HEFLIN. His lawyer, Mr. Marshall, made that argument to the Supreme Court that the value of the stocks had been injuriously affected by the proceedings in Colorado.

Mr. REED of Missouri. But the point in my mind is—I want to direct the Senator's attention to it so that I am sure I understand it—whether the litigation in Colorado was brought by the Morgan heirs, or whether it was brought by some outsider.

Mr. HEFLIN. The Morgan heirs brought that suit; that is my understanding. I think that is what Colonel Ownbey told me.

Mr. REED of Missouri. That looks to me like a conspiracy.

Mr. HEFLIN. The old colonel is frank to say that it was a conspiracy to rob him. They proceeded against him in Colorado and tied his hands, tied up everything he had, and then left there, came to Delaware, proceeded under this old statute, and fixed a bond which they knew he could not make. That is the real point in it, Mr. President. He could not make the bond that they required. They knew he could not make it; and because he had been stripped of his substance in that

fashion, and could not raise that money, he was denied the right to tell the truth, to be heard in the case at all, or to be represented by counsel, violating every principle of the Government's law that I am reading here to-day.

Let me read another statement on due process of law.

The phrase "due process" has had a well-defined meaning for ages.

Mr. SIMMONS. Mr. President, before the Senator gets to that I want to ask him a question. I have heard it stated, and I want to ask him if he has any information about it, that the firm which brought that suit out in Colorado was the same firm of which Mr. Stone was a member when he appeared in the Supreme Court.

Mr. HEFLIN. That is true. This firm employed lawyers out there, so I understand, to bring this suit in Colorado, just as the firm of which Mr. Stone was a member employed lawyers in Delaware to bring the suit in Delaware. Then, after they won the suit in Delaware and an appeal was had from it, Mr. Stone himself appeared in the Supreme Court and discussed the case from its inception and urged that the Supreme Court sustain the action of the lower court and all that was done in it against Colonel Ownbey.

Mr. SIMMONS. If that be true, then Mr. Stone was an attorney in the case brought in Colorado as well as in the case argued before the Supreme Court.

Mr. HEFLIN. From that standpoint he was—that his firm employed the men there as they employed them in Delaware—and he himself finally appeared at the climax of the proceedings in the Supreme Court of the United States.

Now let me read this:

The phrase "due process" has had a well-defined meaning for ages. Putting it in the fourteenth amendment to the Constitution not only granted, but directly defined, certain specific rights which inure to the benefit of every person, alien as well as citizen, and are derived from, dependent upon, or secured by the Constitution of the United States.

The right thus created and defined, in a case involving life and liberty, is the right to enjoy the benefits of all proceedings which constitute a trial according to the law of the land.

They had just said before that that the Constitution is the law of the land. Let me read:

But it cuts deeper than this. The law of the land, applying to all persons impartially, might not afford some of the rights which this clause of the Constitution grants and secures to the citizen and compels the State to afford. If, for instance, the State should deprive a person of the benefit of counsel, it would not be due process of law.

There you are. That is what was done in this case. They deprived him of the benefit of counsel after he had employed and paid his counsel. They struck off the names of his lawyers and they sat there as dumb as oysters in the courtroom, not allowed to speak while their client's property was being taken from him without due process of law. I read:

Within certain limits the State may change its remedies at pleasure, but it must be "with due regard to the landmarks established for the protection of the citizen." It must not exercise "arbitrary power or depart from the principles of private right and distributive justice." As declared by the Supreme Court, the fourteenth amendment, in its requisition concerning due process, "is not too vague and indefinite to operate as a practical restraint * * *." As there declared, "due process" must, in the language of Mr. Webster, be, according to his familiar definition—

Listen to this, Senators—

the general law, or law which hears before it condemns, and which proceeds upon inquiry and renders judgment.

That is the law which was violated. Colonel Ownbey was deprived of his property—the earnings of a lifetime—without due process of law.

Now, Mr. President, I am not going to detain the Senate but for a few moments longer. This is an important matter. The questions involved here go to the very roots of free constitutional government. They affect most vitally the most sacred rights of the American citizen.

Let me say in conclusion that Colonel Ownbey was called into court to answer the complaint of the plaintiff; and when he came he was denied the right to answer because he did not have the money required by the court to buy a permit to be heard in a case that involved all of his earthly possessions.

It was an attachment suit brought by the heirs of J. P. Morgan under an old statute called the custom of London. No bond was required of them when they attached the property of Colonel Ownbey. They were permitted to tie up everything he had in the world without giving a bond; and when he came into the court in Delaware and sought to submit testimony showing that the allegations of the complaint against him were wholly untrue, he was told by the court that unless he could put up $200,000 he would not be permitted to say or do anything regarding the suit against him. He told the court that he could not make the bond. Yet, in the face of that situation and in spite of the defendant's inability to put up the money consideration demanded by the Delaware court, the court refused to permit the defendant to appear and testify in his own behalf, and it also refused to permit the lawyers that he had employed to appear and represent him in the case that he had been called by the court to answer, all because he did not have $200,000, the amount required by the Delaware court before he would be permitted to tell his story and present his side of the case to the judges who had by the writ issued to him commanded him to come into court and answer.

No one denied that he was a man of high character. No one denied that he had the testimony necessary to disprove the allegations set out in the complaint against him, but because he could not put up $200,000 he was denied the right to be heard; and he sat there in the court and, without being permitted to put a witness on the stand or to testify himself, saw the court, refusing to hear but one side of the case, give judgment against him. As I have said, he was so indignant at such an outrageous and disgraceful act of judicial tyranny that he arose in the court to protest, and the court had a bailiff to take him out of the court room.

Mr. President, the Senate ought to inquire well into the character, concepts, and conduct of the practicing attorney or judge, whoever he may be, who aspires to a position on the Supreme Court bench. I do not know Mr. Stone personally. I never saw him except when he marched into the House with the Cabinet members on the occasion of the memorial services for the late President Wilson. He may be a very clever gentleman personally, but my objection to him goes to his conception of and attitude toward the fundamental principles of justice, to his views as to how the Constitution should be construed when "due process of law" is involved and the vital rights of the citizen are at stake.

Mr. President, the time for a United States Senator to be on guard is when men are suggested by the powers that be for places on the Supreme Court bench. We can not be too careful and painstaking in the discharge of that important duty.

Mr. President, when President Washington appointed for life the first judges of the Supreme Court, men of judicial skill and rectitude, the personal representatives of the dignity and majesty of the law, he declared that the Supreme Court is the chief pillar upon which our National Government must rest.

Charles Carroll of Carrollton, whose honored name graces the Declaration of Independence, said in 1827:

I consider the Supreme Court of the United States as the strongest guardian of the powers of Congress and the rights of the people.

In 1835, Hon. Horace Binney, of Philadelphia, one of the greatest lawyers that ever lived, in speaking of Chief Justice Marshall and the Supreme Court, said:

The Supreme Court judge in administering the law is the representative of the abstract justice of the people.

Speaking in honor of Chief Justice Marshall, in 1901, Senator William Lindsay, an able statesman of Kentucky, said:

No other court compares with our Supreme Court in jurisdiction, power, or independence. The peace, the prosperity, and the very existence of the Union are vested in the hands of our Supreme Court judges.

Hon Frank Springer, of the Territory of New Mexico, said in 1901:

If this Republic endures longer than those of antiquity, it will be chiefly by reason of the controlling influence of that great court which maintains the equilibrium of the Nation, which holds together the Union like some great sun of a planetary system, sending its light to the remotest parts, allowing each member to move unrestrained in its appointed path, but binding all by its mighty force so that they can neither collide with each other nor depart from the system.

That court is the rich man's rock against improper judgments, the poor man's shelter against judicial tyranny, the city of refuge for both capital and labor, and the people's mighty stronghold of justice against injustice. The feeling of respect and appreciation on the part of the people for our Supreme Court and their abiding faith in its integrity and in its love of justice have done more to inspire patriotism and strengthen the Republic than any other influence in the country.

Grover Cleveland, in his article on "Good Citizenship," said:

The abandonment of our country's watchtowers by those who should be on guard and the slumber of the sentinels who should never sleep directly invite the stealthy approach, the pillage, and the loot of selfishness and greed.

Are we as watchful and faithful as we ought to be in protecting our Supreme Court against men who should never have and use the power vested in a Supreme Court judge?

Our Supreme Court is the loftiest tribunal in all the world, and a place on that bench is the climax and crowning glory of attainment in the legal profession. When an American citizen is elevated to that high station, and crosses its sacred threshold, and puts on the honored ermine of the Nation's highest court, he ought to dedicate his talents and consecrate his all to wholehearted service in the temple of justice.

Mr. President, let it be known in all the hereafter that there is one high and sacred place in our system of Government that shall never be invaded by political influence and partisan ambition, and that everyone who enters that sacred tribunal closes the door of political ambition behind him, casts anchor with the Constitution to live and die as one of its faithful guardians.

Our Supreme Court holds the scales of justice between the man of moderate means and the man of large fortune. It determines cases in which the welfare of society is involved and the life of the citizen is at stake. It has the power to revise and destroy all other court decisions. It wields the power of life and death over State and Federal statute, and it has the power to declare null and void the acts of the Chief Executive of the Nation. This court must never be perverted from the ends of its institution. It must forever remain true to the purpose of its creation. The power to make law is important and the power to execute law is essential, but the power to destroy law, the power to withold or to administer justice, is the most important power of all.

Here then, in the Supreme Court, our fathers lodged the ark of our civic covenant, and they wisely provided that those chosen to guard and protect it should enlist for life and be consecrated to the service. That ark was placed there by the founders of the Republic, and for more than a hundred years it has remained in the temple of justice. There, in its exalted grandeur, it guards in the main the Constitution, holds the scales of justice, and contributes as no other power can to the strength and perpetuity of the Republic.

Mr. President, it ought to be the constant desire and firm purpose of all Senators, who vested as we are with the power to accept or reject men named for places on the Supreme Court bench, to see to it that this great court of last resort, from whose decision there is no appeal, shall be kept, in deed and in truth, a great American tribunal of justice.

Mr. STERLING. Mr. President, I do not intend to make a reply to the Senator from Alabama, or to make any remarks beyond those necessary to the reading for the RECORD of a telegram and two letters which I have here relative to Mr. Stone.

The telegram is directed to me and is from former Senator Saulsbury, of Delaware, who for six years was a Member of this honorable body and was President pro tempore of the Senate. Further, Mr. President, I desire to say that I did not suppose the Senator from Alabama or any other Senator would address himself to the subject of Mr. Stone's confirmation today, or before the Senate Judiciary Committee, to which the appointment had been referred, had acted and made its report to the Senate.

Mr. HEFLIN. Mr. President——

Mr. STERLING. But I deem it necessary, under the circumstances, to present these matters for the RECORD.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from South Dakota yield to the Senator from Alabama?

Mr. STERLING. I yield.

Mr. HEFLIN. If the Senator will permit, the thing I have been discussing about Mr. Stone is a matter of record in the Supreme Court. The papers have already said a good deal about it, and my own position was not clear from the reports in the papers, and I wanted the country and the Senate to know the facts. I wanted the facts of this case to go in the RECORD. They could not go in behind closed doors, and they ought to go in the RECORD; the country ought to know the truth.

Mr. STERLING. The matter I have before me, therefore, Mr. President, is all the more pertinent, because it refers to the very case to which the Senator from Alabama has alluded.

The telegram to me from Senator Saulsbury reads as follows:

Newspapers this morning publish extensive Washington dispatches regarding case of Morgan's executors against Ownbey, stating defendant Ownbey is opposing confirmation of the Attorney General's appointment to the Supreme Court. I will be in Washington during the whole of the coming week. Am familiar with that case from its inception. The Morgan executors were throughout represented by my firm, and every court in which we appeared decided the case in our favor. Attorney General Stone appeared with me in the Supreme Court, to which the case was taken by the defendant, where the decision of the Delaware courts was affirmed. Any attack on Mr. Stone is founded in ignorance and prejudice. If any attention is paid to this matter by your committee, I hope you will call me as a witness, and I think I can give you a full history of the case. Indeed, the whole history of the case is set out in public records in the files of the Supreme Court of the United States. Mr. Stone's connection with the case consisted in appearing jointly with me as counsel in the Supreme Court of the United States, and every act of his will be clearly shown to be in accordance with high conception of the ethics of the legal profession and great ability in obtaining correct legal determination by the courts. I understand you are chairman of the subcommittee having this nomination in charge. If I am incorrect in this, please hand this to Senator BORAH, chairman of the committee, for reference to whatever subcommittee may have it in charge.

WILLARD SAULSBURY.

The next communication——

Mr. HEFLIN. Before the Senator gets away from the telegram, I mentioned Mr. Saulsbury, who was an attorney in the case, and who was a party to this judicial tyranny practiced against Colonel Ownbey. I would not expect him to condemn his own conduct and to slap in the face his own offspring.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. STERLING. Certainly.

Mr. CARAWAY. The Senator is conscious that he is putting before the Senate a part of the evidence that has been presented before the Committee on the Judiciary. Is it his judgment, then, that all the evidence ought to come out?

Mr. STERLING. What is the Senator's inquiry?

Mr. CARAWAY. Is it the Senator's opinion that all the evidence ought to be discussed in the open Senate?

Mr. STERLING. Oh, no; this refers to the particular Ownbey case, about which the Senator from Alabama has spoken.

Mr. CARAWAY. That is the testimony of a man who went before the committee in executive session, and the Senator is now putting it before the open Senate.

Mr. STERLING. Yes; and I propose to do it.

Mr. CARAWAY. I wanted just to find out what the Senator thought about it and about the rule he has wanted to have enforced.

Mr. STERLING. The next is a photostatic copy of a letter written by Mr. Louis Marshall, who was the opposing counsel in the Supreme Court on the other side of the Ownbey case from the side represented by Mr. Saulsbury and Mr. Stone. The letter is dated January 9, and reads:

GUGGENHEIMER, UNTERMYER & MARSHALL,
New York, January 9, 1925.

DEAR MR. ATTORNEY GENERAL: But for the fact that I have been engaged in court constantly since the announcement of your nomination for justice of the Supreme Court, I would have at once extended to you my sincere and heartfelt congratulations upon the high but deserved honor implied in your elevation to the greatest court in the world. As one who has had exceptional opportunities of becoming familiar with your legal learning, your fine judicial temperament, your indefatigable industry, and your unusual good sense, I regard your designation to that tribunal as one for which the entire public should be grateful. I am sure that you will enjoy the work, for which you are so admirably fitted, and I trust that you will be spared many years in the service to which you have been called.

Very cordially yours,

LOUIS MARSHALL.

The ATTORNEY GENERAL,
Department of Justice, Washington, D. C.

The next letter is of the same date——

Mr. HEFLIN and Mr. REED of Missouri addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and if so, to whom?

Mr. STERLING. I yield first to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I mentioned Mr. Marshall, who appeared in the Supreme Court and represented Colonel Ownbey. He was only employed in the Supreme Court, and he made a masterful argument.

Mr. STERLING. Yes.

Mr. HEFLIN. He has since that time, I have been informed, been employed by the Morgan interests in certain matters that Mr. Stone used to represent. He will have to practice law before Mr. Stone, if Mr. Stone shall be confirmed, and you would not expect him to attack an appointee as Associate Justice, before whom he would have to appear.

Mr. STERLING. I suppose the Senator from Alabama would have us infer that because Mr. Marshall may now be employed by the executors of the Morgan estate, if such be the fact, that his statements in regard to the qualifications of Attorney General Stone have been colored.

Mr. REED of Missouri. Mr. President, will the Senator yield for a question?

Mr. STERLING. Yes; I yield.

Mr. REED of Missouri. The Senator has read two telegrams——

Mr. STERLING. One telegram.

Mr. REED of Missouri. One telegram and a letter. Is he not reading from evidence that was presented in executive session before the Judiciary Committee?

Mr. STERLING. I think the telegram to myself was read before the Judiciary Committee, and the sender of the telegram was before the Judiciary Committee and made his statement, all of which is corroborated by what he says in the telegram.

Mr. REED of Missouri. I remember hearing both those documents read at a meeting of the Judiciary Committee, which was an executive meeting.

Mr. STERLING. Yes.

Mr. REED of Missouri. I am simply astounded to find a Senator appear on the floor to present a part of the evidence that was there submitted, and I am all the more astounded because, after proper deliberation, it was determined that the appointment of Mr. Stone should be returned to the Judiciary Committee for further consideration. Manifestly, if we are to proceed in this way, we ought not to take the bars down, by which I mean remove the question of secrecy in executive session, or executive meetings of the Judiciary Committee, or in the further consideration of this case before any committee, but proceed here to have it out, rough and tumble, "packing-house rules," if you please, on the floor of the Senate; and I think that is exactly what we are doing now—proceeding just according to that sort of rules.

Mr. STERLING. Mr. President, the reading of these documents here to-day before the Senate would have been the last thing I would have thought of but for the fact that the Senator from Alabama has stood here for more than an hour this afternoon speaking in criticism of Attorney General Stone and his connection with the Ownbey case, and these communications relate especially and only to that particular case; because of this I feel myself now amply justified in bringing these matters to the attention of the Senate.

Mr. REED of Missouri. Mr. President, these documents came into the hands of the Senator as chairman of the subcommittee, appointed by the Judiciary Committee to try this case, and to report its findings privately to the Judiciary Committee.

Mr. STERLING. Privately?

Mr. REED of Missouri. He obtained the documents in that way, and without the permission of the Judiciary Committee, or the permission of the Senate, in violation of the rules and the precedents of the Senate, he proceeds to present a part of the evidence in this open session.

Mr. STERLING. When was it decided, Mr. President——

Mr. REED of Missouri. And he undertakes to justify himself upon the ground that he regards the remarks of the Senator from Alabama [Mr. HEFLIN] as having been improper. So he asserts his right to bring here to this body documents which belong to the Judiciary Committee. That, I say, is a very remarkable proceeding.

Mr. STERLING. When was it decided——

Mr. McKELLAR. A point of order, Mr. President.

Mr. STERLING. Just wait a moment.

Mr. McKELLAR. I have a right to make a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. McKELLAR. My point of order is that manifestly this is matter for an executive session, that it is contrary to the rules of the Senate and is not in order for the Senator from South Dakota to read telegrams or letters, or comment on the same, which came before his committee in executive session.

Mr. STERLING. The point of order should have been made earlier, when the Senator from Alabama was speaking, who occupied all his time criticizing Attorney General Stone in reference to this one matter.

Mr. OVERMAN. Mr. President, the Senator from Alabama did not have any testimony that had been given before the Judiciary Committee. What he presented were outside matters.

Mr. HEFLIN. Mr. President, on the point of order the Senator from South Dakota said my speech would be stricken from the RECORD. A newspaper had misrepresented my connection with regard to this matter, and I rose the other day to discuss it and to set myself right. The President pro tempore, the Senator from Iowa [Mr. CUMMINS], ruled that I was out of order. On Monday, on the reconvening of the Senate, he stated to the Senate that his ruling was wrong; that I was in order, and therefore it was in order for me to speak to-day, as I did. I have not submitted letters and telegrams from lawyers who appeared in the case there nor from the lawyer who appeared for Colonel Ownbey. I discussed the fundamental principles of right and justice to every citizen to be represented in the courts of this country.

The PRESIDING OFFICER. The Chair is ready to rule.

Mr. STANLEY. Mr. President, this is an anomalous proceeding. The chairman of a subcommittee supposed to try a case of this importance, with the case then pending before his committee and undecided, appears in the Senate as an advocate of one side or the other, and his only excuse is that somebody else has been guilty of a like indiscretion. Lord Macaulay once said, in speaking of Hume, that his great vice was that "he assumed the impartiality of a judge while exercising the arts of an advocate." The Senator from South Dakota should either cease to act as judge and resign as chairman of the subcommittee to try the case or cease to act as advocate one day for a case in which he shall sit as a judge the next. If, as he said, the Senator from Alabama has been guilty of an indiscretion, out of his mouth he doubly damns himself, and I insist upon the point of order made by the Senator from Tennessee.

Mr. REED of Pennsylvania. Mr. President, I want to make an appeal to Senators on both sides of the aisle to think what they are doing in this case. If we are going to judge confirmations sanely, wisely, and understandingly, we have got to keep open for ourselves all channels of information about the nominees. We are never going to get a full, free, and fair disclosure of the facts concerning a nominee for office if the American people are to feel that, having got them in confidence, we are going to spread them to the world in open session.

Mr. STANLEY. Mr. President——

Mr. REED of Pennsylvania. Just a moment, if the Senator will permit me. I have cast no reflection upon Senators who have spoken in this case nor on what they are doing. I realize the provocation that has led the Senator from South Dakota to read the telegrams and letters. I am not talking of this particular case, but for the sake of the Senate and the integrity of its work in future cases. I am not pleading for Attorney General Stone—not for a minute; his case will take care of itself—but for our own sake and the future functioning of the Senate we ought to preserve the custom that the experience of a century has shown to be wise, to consider nominations in executive session only. What we are doing here to-day, whether we are conscious of it or not, is to break down that century-old practice which has brought us good results, as we all know. I want to make my appeal to Senators on both sides of the aisle, without ascribing blame to any, to think what we are doing and to consider whether this discussion ought not to stop at this point without any further debate.

Mr. McKELLAR. I think that the Senator from Pennsylvania is also appealing to the Chair to exercise the authority of the Chair to hold and declare this debate out of order. I am insisting upon my point of order.

Mr. HEFLIN. I want to draw this distinction between myself and the Senator from South Dakota. I am not a member of the Judiciary Committee. I have had nothing to do with telegrams. I have discussed a matter of record. That is the difference.

Mr. STANLEY. Mr. President, I heartily concur in what has been so opportunely and so cogently expressed by the accomplished Senator from Pennsylvania [Mr. REED]. I trust that nothing said here will be construed as indicative of my attitude as a member of the Judiciary Committee or as a Member of this body upon the merits of the appointment of the Attorney General as a justice of the Supreme Court of the United States.

If, as the Senator from Pennsylvania [Mr. REED] has so well said, we were not deterred from a proceeding of this unseemly character by the wholesome and restraining influence of one custom at least of the Senate that is honored in its observance as well as in its breach, if there were no such custom, if this body for the lifetime of a man had never before

attempted such a thing, the proprieties and the decencies of the occasion would restrain a lawyer, to say nothing of a Senator, possessing ordinary sensibility and a decent regard for the honor of the Senate and the dignity of the Supreme Court of the United States.

Of course, the Senator from Alabama [Mr. HEFLIN] was not discussing, as I understand it, the propriety of the appointment. He was speaking to a matter of personal privilege.

Be that as it may, this is not the place and this is not the time to discuss the merits or the demerits of an appointee to the Supreme Court of the United States, to say nothing of an Attorney General. My mind is open upon that question. If we are to forget our dignity and our honor, if we are to become the superserviceable tools of organized minorities, if we are to take our orders here and there and yonder, not from the people but from our selected masters, if the Senate is to become meaner and meaner as it grovels before smaller and weaker things, let us at least remember that there is one department of the Government which has preserved the finest traditions of the highest court in the world with serene dignity, unblemished honor, and an integrity as immaculate as its ermine; and when we pass upon the proprieties of the case, pass upon the qualifications, as we are instructed to do under the Constitution, of men appointed to that high place, let us remember the court whose dignity and whose example we should emulate, and let us drop the curtain upon the shameful scene now attempted by the Senator from South Dakota.

Mr. STERLING. Mr. President, I simply hope that Senators on either side of the Chamber will now reflect just for a moment and consider the circumstances under which I have sought to read these documents.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. KING. I understood a point of order had been raised. If the Senator from South Dakota desires to discuss the point of order, of course, it is proper if the Chair cares to hear it.

The PRESIDING OFFICER. The Chair is willing to hear the Senator from South Dakota. The Senator from South Dakota will proceed.

Mr. STERLING. As I have already stated, but for the speech of the Senator from Alabama, the reading of these documents would have been the last thing I would have thought of. But the Senator from Alabama made an impassioned speech of over an hour in length, the effect of which or the purpose of which was to influence sentiment in the Senate of the United States and in the country at large in regard to the nomination of Attorney General Stone to the Supreme Bench. I think there can be no question in the mind of any Senator who heard the Senator from Alabama that such was his purpose and that would be the effect of his address.

Under these circumstances I base what I have sought to do on the very principle stated by the distinguished Senator from Pennsylvania [Mr. REED], namely a plea for fairness and justice in the matter. These were the considerations that impelled me to read Senator Saulsbury's telegram to me and the letter of Louis Marshall, the opposing counsel in the Ownbey case, and to read them at this juncture in order that Senators might now have the opinions of others competent to judge as against the views expressed by the Senator from Alabama.

Mr. REED of Missouri. Mr. President, I insist that a point of order has been made, and while the Chair may permit discussion on the point of order if he sees fit, we are not hearing a discussion of any point of order now.

Mr. CARAWAY. Oh, let him debate it a little while longer.

Mr. STERLING. The point of order was raised as I was about to read the second letter.

The PRESIDING OFFICER. The Chair will not permit debate to run on unduly. He thinks the Senator from South Dakota is entitled to make a brief statement.

Mr. REED of Missouri. Undoubtedly he is entitled to make a brief statement on the point of order if the Chair desires to hear it, but we are not now listening to a discussion of the point of order. We are listening to a plea in confession and avoidance.

The PRESIDING OFFICER. The Senator from South Dakota will proceed to discuss the point of order.

Mr. STERLING. I have nothing further to say upon the point of order, but I am ready to read the second letter from Louis Marshall to the Attorney General.

Mr. McKELLAR. Before that is done I insist upon the point of order.

Mr. STERLING. A point of order has been made against it, and I shall abide the decision of the Chair.

Mr. CARAWAY. Mr. President, I hope the point of order will be withdrawn. I want to see the Senator from South Dakota exhibit to the Senate his conception of the honor and dignity of being a Senator of the United States. I want him to have an opportunity to go into the files of the Judiciary Committee, take out the secret documents, and stand here and read them to the Senate and to the world.

Mr. STERLING. These are not secret documents of the Judiciary Committee, and the Senator knows it.

Mr. CARAWAY. Then, there are no secret documents. These were read in the Committee on the Judiciary, and the Senator knows it.

Mr. STERLING. These are communications that came to me individually as four telegrams and——

Mr. CARAWAY. As chairman of the subcommittee having charge of the confirmation of Mr. Stone. In that way the Senator got possession of them.

The PRESIDING OFFICER. The Chair is prepared to rule.

Mr. CARAWAY. Oh, I would not rule, Mr. President.

The PRESIDING OFFICER (Mr. WILLIS). It is with great diffidence that the present occupant of the chair feels called upon to take a position, as he views it, adverse to that taken by the President pro tempore of the Senate on yesterday. It was then the opinion of the present occupant of the chair that this whole matter was one which should have been discussed in executive session. The present occupant of the chair is still of that opinion, and he, therefore, feels constrained to sustain the point of order. The Senate has its remedy, and if it desires to proceed with the discussion it may go into executive session.

Mr. STERLING. I yield.

Mr. DILL obtained the floor.

Mr. HEFLIN. Mr. President, will the Senator from Washington permit me just one word?

Mr. DILL. Certainly.

Mr. HEFLIN. The Senator from South Dakota [Mr. STERLING] undertook to state what my purpose was. I said in the outset that a newspaper had incorrectly stated my position in the matter, and I sought to set that statement right and to set myself right before the country and to discuss the record of the Attorney General of the United States in a case which was carried to the Supreme Court. I have not read any letters or telegrams; I am not a member of the Judiciary Committee; but I think the country ought to know the truth about any man who is seeking to go upon the Supreme Court bench. I shall hereafter be in favor of open executive sessions for the confirmation of Supreme Court judges.

POSTAL SALARIES AND POSTAL RATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

Mr. DILL. Mr. President, there is a couplet somewhere which begins: "Men are only boys grown tall." I think what is happening here in relation to executive sessions of the Senate is a most excellent illustration that men in the Senate are not much different from men anywhere else; and if anything more is needed to show the ridiculous attitude in which the Senate of the United States is placing itself I do not know what it is.

We have a rule which prohibits discussion of certain questions except in executive session. Then a presiding officer permits by ruling the discussion of such a subject under another name; but when another Senator attempts to reply in similar terms we have another ruling that the question can not be discussed. The truth of the matter is that this whole question is public business, and it ought to be all discussed in public.

I do not know anything that better illustrates the tendency of the Senate than what we see in the morning newspapers. We find in one column on the front page of the metropolitan dailies of this country a statement that the Senate was greatly perturbed over reports that became public about its executive session on last Saturday, and that there was excited discussion to the effect that members would be barred from the press gallery and references made to the rule—an archaic rule in my judgment—adopted in this body in 1868, providing that Senators may be expelled from this body if they reveal what happens here in secret sessions. I say that is all printed in one column on the front page of the newspaper, and then in another column of the same newspaper is a large headline telling that the President of the United States and other officers

of the Government met last night and discussed the executive business of the Government and stating that they put it on the radio so that 10,000,000 of people might hear it all over the country. I do not know of a finer example illustrating the Senate as looking backward and the President and his officials as looking forward than is to be found there. It seems to me that it is an excellent illustration of the fact that the Senate needs to get into step with the public sentiment of this country, which demands that public business shall be public except in special cases.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. DILL. I yield.

Mr. REED of Missouri. While the Senator is pronouncing his eulogy on the President for keeping step with the forward-looking people I want to call his attention to the fact that the Senate has time and again called for documents that it needed in order to consider the public business and has been denied them by the executive department on the ground that the executive department did not think compliance with the request would be compatible with the public interest. The executive department keeps its secrets when it wishes to keep them.

Mr. DILL. I do not wish to be put in the class of those agreeing with the President and his policies, but I do not hesitate to commend the President of the United States when I think he is taking an attitude that is in the interest of the public good. I think that too much secrecy does surround the executive offices and executive documents. It is for that reason that I commend this attitude, as shown last night, not only of making the information public but of having the radio broadcast it all over the United States.

Mr. CARAWAY. May I ask the Senator what was it the President said about the executive business on the radio?

Mr. DILL. He told the whole story of attempting to save money for the Government.

Mr. CARAWAY. That is not executive business. That is merely a joke, you know. [Laughter on the floor and in the galleries.]

Mr. DILL. The Senator from Arkansas may think it is a joke, but I think the saving of two or three billion dollars is not very much of a joke to the taxpayers of the country.

Mr. CARAWAY. It was not saving; it was merely talking about it on the radio.

Mr. DILL. I notice we cut taxes last year, anyway. What I wish to say is this——

Mr. REED of Missouri. Does the Senator say that the President cut taxes last year?

Mr. DILL. I said that the Government cut taxes——

Mr. REED of Missouri. No; the Congress cut taxes.

Mr. DILL. Because of the saving made in expenditures and for no other reason.

Mr. REED of Missouri. Who made the saving?

Mr. DILL. The executive officers of the Government under the direction of Congress.

Mr. REED of Missouri. Oh, no.

The PRESIDING OFFICER. The Chair feels constrained to remind the occupants of the galleries that they are there by the courtesy of the Senate and that manifestations of approval or disapproval on the part of the occupants of the galleries are contrary to the rules of the Senate.

Mr. CARAWAY. Do you not think, Mr. President, they ought to be permitted to laugh at a joke like that?

Mr. DILL. Mr. President——

The PRESIDING OFFICER. The Senator from Washington.

Mr. DILL. There are those Senators who can see nothing good except in what they or their friends do. I am glad I do not belong to that class.

Mr. KING. Mr. President, will the Senator yield?

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield, and if so to whom?

Mr. DILL. I yield first to the Senator from Utah.

Mr. KING. I think the Senator in the interest of accuracy—and I know he wants to be accurate—should state what the fact is, namely, that the executive department through the Bureau of the Budget made certain recommendations and that the Congress has always gone below the Bureau of the Budget; so that whatever reforms have come in the matter of economy have come through the legislative branch of the Government instead of the executive branch.

Mr. DILL. I can not agree with the Senator that Congress has always gone below the estimates of the Bureau of the Budget. I think sometimes we have and I think sometimes we might well override the Budget, so far as that is concerned; but I come back to the fact that if those in charge of the executive department of the Government had continued to recommend appropriations larger than were strictly necessary the Congress would have granted them. There is no getting away from that, but Congress has helped greatly in the economy program.

But, Mr. President, I did not rise to discuss that particular question. What I rose to discuss——

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. DILL. I yield.

Mr. COPELAND. I am sure the Senator does not want to leave a false impression. I think the impression his remarks have made is that the Executive is largely responsible for the economies which have been effected. I am sure he would not want to leave an impression that derogates from the work Congress does and has done to bring about economies.

Mr. DILL. I would not say that the executive branch is largely responsible or that Congress is largely responsible, but that they are jointly responsible, and that if one insists on an excess the other is pretty likely to go along with it. There has been joint action on the part of the executive and the legislative that has brought about the reductions in the expenditures of the Government. But, levity aside, the fact remains that expenditures have been cut; that they should have been cut, and they should be cut even more and that the President and the Congress should cooperate in further cutting governmental expenditures.

Mr. SMOOT. Mr. President——

Mr. DILL. I yield.

Mr. SMOOT. I merely wish to suggest that if it had not been for the President of the United States insisting that a certain amount of reduction must be made in every one of the departments of the Government, and that the Budget Bureau should not approve of recommendations for appropriations asked unless they were reduced, there would not have been the reduction in expenditures which has taken place. That has been the cause of the reduction.

Mr. DILL. And yet if Congress had appropriated more money probably the departments would have spent it.

Mr. SMOOT. I wish to say also to the Senator that there would have been many hundred thousand dollars added to the appropriations if the Budget had estimated the amounts which were demanded, but many hundreds of thousands of dollars have been kept off the appropriation bills by points of order because the Budget Bureau had not estimated for them.

Mr. DILL. I think that is true.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. DILL. Yes.

Mr. WALSH of Massachusetts. Of course, the Senator agrees that the principal reduction in the expenditures of the Government is due to the fact that we are no longer at war.

Mr. DILL. Absolutely.

Mr. WALSH of Massachusetts. And that with the ending of the war employees have been discharged and obligations under contracts assumed during the war have been lessening and lessening every year.

Mr. DILL. Absolutely.

Mr. WALSH of Massachusetts. Therefore, the appropriations are much less than they were during the war period, but are still higher than they were before the war.

Mr. DILL. But my original statement was that the President last night over the radio was not only talking about reductions that had been made, but was urging still greater reductions, in which expression I concur, whether it be made by a Republican President, or a Socialist President, or a Democratic President. I do not care who may make it.

Mr. President, what I rose to discuss was the tendency of the Senate to look backward to rules that were made long ago and to have exploited on the front page the fact that we try to act under rules the violation of which, even by the simplest form of telling anything that happens in this body in executive session, makes a Senator liable to expulsion, while the executive department of the Government is trying to make all the publicity it can for what it is doing. For that reason I think the rules should be amended so that the Senate would hold its sessions in the open in considering public business, unless that public business should be of such a confidential nature that a special two-thirds vote of the Senate should be required. I think that that is a reform that should come in this body, and I think it will come, but whether in our time or at some future time I do not know.

Mr. President, I am not going to take more time of the Senate on this subject now, but will discuss it further at a later date.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oklahoma [Mr. HARRELD] to the amendment of the Senator from Massachusetts [Mr. BUTLER].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is upon the amendment of the Senator from Massachusetts to the amendment of the committee.

Mr. ASHURST and Mr. SIMMONS called for the yeas and nays, and they were ordered.

Mr. KING. I ask that the amendment be stated.

The PRESIDING OFFICER. The Secretary will read the amendment.

The READING CLERK. On line 14, page 39, at the end of the committee amendment, it is proposed to insert the following proviso:

Provided, That the rate of postage on newspapers or periodicals maintained by and in the interests of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be 1¼ cents per pound or fraction thereof, and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General, at such times and under such conditions as the Postmaster General may prescribe, satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual.

The PRESIDING OFFICER. The question is on the amendment which the Secretary has just read. The yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. JONES of Washington (when Mr. CURTIS's name was called). The Senator from Kansas [Mr. CURTIS] is absent on account of illness. He is paired with the senior Senator from Arkansas [Mr. ROBINSON].

I wish also to announce that the Senator from Massachusetts [Mr. BUTLER] is necessarily absent. He has a general pair for the day with the Senator from Florida [Mr. TRAMMELL]. If present, the Senator from Massachusetts would vote "yea."

Mr. CARAWAY. The senior Senator from Arkansas, if present, would vote "yea" on this question.

Mr. FLETCHER (when Mr. TRAMMELL's name was called). My colleague [Mr. TRAMMELL] is unavoidably absent. He has a pair with the Senator from Massachusetts [Mr. BUTLER]. If my colleague were present, I am advised that he would vote "yea."

The roll call was concluded.

Mr. McNARY. I have a pair for the day with the senior Senator from Mississippi [Mr. HARRISON]. I am advised that if he were present, he would vote as I shall vote. I vote "yea."

Mr. PHIPPS. I have a pair with the junior Senator from South Carolina [Mr. DIAL]. In his absence, being unable to secure a transfer, I will withhold my vote. If at liberty to vote, I should vote "nay."

Mr. GERRY. I desire to announce that the Senator from Mississippi [Mr. STEPHENS] is paired with the Senator from Rhode Island [Mr. METCALF]. If the Senator from Mississippi were present, he would vote "yea."

Mr. FRAZIER. I wish to announce that my colleague [Mr. LADD] is unavoidably absent. If he were present, he would vote "yea" on this question.

Mr. JONES of New Mexico (after having voted in the affirmative). I observe that the Senator from Maine [Mr. FERNALD] is not in the Chamber. I have a general pair with that Senator. Not knowing how he would vote, and not being able to obtain a transfer, I must withdraw my vote.

The result was announced—yeas 51, nays 23, as follows:

YEAS—51

Ashurst	George	McCormick	Shipstead
Ball	Gerry	McKellar	Shortridge
Borah	Glass	McKinley	Simmons
Broussard	Gooding	McNary	Smith
Caraway	Hale	Mayfield	Spencer
Copeland	Harreld	Neely	Stanfield
Cummins	Harris	Norbeck	Stanley
Dill	Heflin	Oddie	Swanson
Edge	Howell	Overman	Underwood
Edwards	Johnson, Minn.	Pittman	Walsh, Mass.
Ernst	Jones, Wash.	Ralston	Walsh, Mont.
Fletcher	Kendrick	Ransdell	Weller
Frazier	Keyes	Sheppard	

NAYS—23

Bayard	Couzens	McLean	Sterling
Bingham	Dale	Means	Wadsworth
Brookhart	Ferris	Moses	Warren
Bruce	Fess	Pepper	Watson
Bursum	Johnson, Calif.	Reed, Pa.	Willis
Cameron	King	Smoot	

NOT VOTING—22

Butler	Greene	Metcalf	Shields
Capper	Harrison	Norris	Stephens
Curtis	Jones, N. Mex.	Owen	Trammell
Dial	Ladd	Phipps	Wheeler
Elkins	La Follette	Reed, Mo.	
Fernald	Lenroot	Robinson	

So Mr. BUTLER's amendment to the amendment of the committee was agreed to.

Mr. GEORGE. Mr. President, I now offer an amendment which I had printed on Saturday last to the committee amendment on page 39.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The READING CLERK. On page 39, it is proposed to strike out lines 5 to 14, inclusive, of the committee amendment, and to insert in lieu thereof the following:

In the case of the portion of such publications devoted to advertisements the rates per pound or fraction thereof for delivery within the several zones applicable to fourth-class matter shall be as follows (but where the space devoted to advertisements does not exceed 5 per cent of the total space, the rate of postage shall be the same as if the whole of such publication was devoted to matter other than advertisements): For the first and second zones, 1½ cents; for the third zone, 2 cents; for the fourth zone, 3 cents; for the fifth zone, 3½ cents; for the sixth zone, 4 cents; for the seventh zone, 5 cents; for the eighth zone, 5½ cents.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia to the amendment of the committee.

Mr. GEORGE. Mr. President, in the revenue act of 1917 four successive increases on second-class mail matter were provided, effective during four years. The amendment which I have offered is precisely the second increase provided on second-class mail matter in the act of 1917.

The second increase provided in that act on the portion of any publication devoted to advertisements is as follows:

On and after July 1, 1919, and until July 1, 1920, for the first and second zones, 1½ cents; for the third zone, 2 cents; for the fourth zone, 3 cents; for the fifth zone, 3½ cents; for the sixth zone, 4 cents; for the seventh zone, 5 cents; for the eighth zone, 5½ cents.

Those are the rates which I have inserted in the amendment now offered. This is precisely the same amendment which in May of last year, as I recall, designated as the McKinley amendment, was adopted by the Senate, but it did not become a law because the amendment was stricken in the House.

Now, Mr. President, I want to discuss but briefly this amendment.

First, I want to say that when it is asserted in the cost-finding report and by the Post Office Department that second-class mail matter is now carried by the postal system at a loss of $74,000,000 per annum, by that is not meant that if the second-class mail matter should be eliminated altogether from the mails the postal system would save $74,000,000 per annum which it now loses; not at all. By that is meant simply this: That according to the method of allocating the entire cost of the postal system to the several classes of mail and special services performed by the postal system the amount allocated to second-class mail is $74,000,000 per annum more than the revenue paid by the second-class mail.

That has to be borne in mind, because, when you consider either the question of gain or loss on any service performed by the postal system, the whole question resolves itself finally into this—that there is a gain or loss when you take into consideration the method of allocating the cost of the entire system to the several services performed by the Post Office Department.

I do not discuss the method upon which the cost of the whole system has been allocated to the several services performed by that system further than to say that whatever method has been adopted—and sometimes there has been a combination of one or more methods—the cost ascertainment commission has proceeded upon the theory that all service performed by the Post Office Department is primary service, and there has been as nearly as practicable an equal or equitable allotment of the cost of the whole system to that particular branch of the service—that is, of its share of the cost,

considering every service performed by the department as a primary service.

That, I think, is the fallacy underlying the whole cost ascertainment report. As a cost ascertainment report, it does contain very many valuable facts. It reaches very many helpful conclusions. That the whole subject was pursued honestly I have no doubt; but it seems to me that the department is indoctrinated with certain theories, theories honestly held by the department, and in undertaking to allocate the cost of the whole system to the several separate services performed by that system they have kept constantly in mind their particular theory of the case.

I am quite well aware that the purpose of Title II of this bill is to raise so much additional revenue as will approximately equal the increases carried in Title I of the bill—that is, to the increases of salaries to the employees of the system. Of course, we are all familiar with the fact that as we originally considered and passed the postal salaries increase bill we took no account of the means of raising revenue to meet those increases in salary. We, of course, all know that that bill was vetoed, and we all know what happened when we voted upon the question of sustaining the President's veto.

So Title II of this bill undertakes to raise the revenue necessary to pay the increases in salary carried in Title I. I have offered this amendment, though it does reduce rates on second-class matter below existing rates, and below the rates proposed in the original bill, known as the Sterling bill, or in the committee's amendment to that bill; but I have offered this amendment with the sincere belief that these rates will really result in raising increased revenue.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. GEORGE. I yield.

Mr. BRUCE. I would like to ask the Senator whether this amendment involves any increases in preexisting rates?

Mr. GEORGE. It does not. I have offered the amendment on the theory that it really would increase revenues in the Postal Department, though the rates proposed do not increase existing rates, but are rather under existing rates.

It is just that phase of the question I wish to discuss, and I wish to discuss it in the light of the testimony that was delivered by responsible publishers, as I take it, and representatives, themselves responsible, of other publishing interests, before the subcommittee of the Committee on Post Offices and Post Roads, sitting to consider this bill during the Christmas holiday recess in 1924.

First of all, I want to call attention to what has happened in the matter of raising revenue in the postal system.

Mr. KING. Mr. President, would it interrupt the Senator for me to ask him a question before he takes up that matter?

Mr. GEORGE. Not at all.

Mr. KING. I would like to ask the Senator whether his amendment, if adopted, would create a deficit, or whether the rates which he seeks to have adopted would be compensatory for the services rendered by the Government? By that question I am trying to ascertain whether the Senator thinks that the Government of the United States owes the duty to individuals or to corporations, to newspapers or anybody else, to supply them transportation without their paying a reasonable and a compensatory rate?

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Virginia?

Mr. GEORGE. I yield.

Mr. GLASS. With the consent of the Senator from Georgia, I would like to ask the Senator from Utah a question, whether he thinks any one class of publishers in this country ought to be taxed to pay for the Government's generosity and charity to any other class of publishers?

Mr. KING. Obviously, there is only one answer. I answer that negatively. That is the reason I voted against the amendment which was adopted a few moments ago, which seemed to discriminate against certain classes of newspapers in favor of other classes.

Mr. GLASS. As a matter of fact, we sit here and exonerate the whole country press of the United States from any contribution whatsoever toward the expenses of the postal system, and I doubt if we could get half a dozen United States Senators now to vote to tax the country press of this country with their proper proportion of the cost of the postal system. We vote to ourselves the franking privilege, and load down the mails with franked matter, every pound of which is charged up against those publishers of the country who pay for the maintenance of the Postal Service.

Mr. KING. Mr. President, with the general indictment which the Senator makes of certain practices, and the inequalities adopted in the raising of postal revenues, I am somewhat in sympathy. I think that the basis employed in fixing postal rates, including parcel-post rates, is not only unscientific, but in many respects preferential and unjust. It is not uniform, and there are many irregularities, and, as I stated, injustices. I should be glad to see the present plan rectified, and a just and fair plan adopted, under which all matter and all publications, whether religious or nonreligious, whether carrying advertising, or not, should pay for the service rendered by the Government, that much and no more. Generally speaking I would not favor any policy that sought to raise revenue out of the Postal Service.

Mr. MOSES. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. MOSES. With the permission of the Senator from Georgia I will say to the Senator from Utah, first, that it is beyond the wit of man to devise a schedule of postal rates whereby every piece of mail passing through the Postal Service shall pay its cost. There are bound to be some pieces of mail matter which will provide a profit. There are bound to be some upon which there will be a loss.

The chief purpose for which I rose was to advert briefly to the suggestion coming from the Senator from Virginia. He speaks of a situation which one of the committee amendments to this bill, if adopted, will cure; at any rate, it will point the way toward curing it.

It is true that the Postal Service is the goat of the executive departments. It is loaded down by Congress with franked matter. It is loaded down by the executive departments with penalty matter. It is loaded down by the executive departments with all kinds of extraneous service, such as the Postal Service never was designed to render, and all those constitute a very great cost in the Postal Service, for which the service gets absolutely no credit, even on paper.

On the other hand, whenever the Postal Service wants anything from one of the other executive departments it has to pay for it. For example, a hog census was taken in this country a few years ago. How was it taken? By the Postal Service. For whom? For the benefit of the Department of Agriculture. Was it paid for? Not a penny was paid. Yet, Mr. President, knowing the pay roll of the Postal Service, we know that that service took a great deal of money out of the postal appropriation to render an absolutely free service to another executive department.

The Post Office Department to-day is carrying on business for the Treasury Department in the selling of war savings stamps. It is carrying on a mass of advertising for the other departments. Yet, when the Post Office Department wants to buy some stamps, it goes over to the Bureau of Engraving and Printing, buys them, and pays for them in cash, out of an appropriation which we make here.

As the Senator from Virginia points out, the cost of every one of those items should be made in some form an entry upon the books of the Post Office Department to its credit for the purpose of reducing the postal deficit which we hear so much about each year, and which is created in large part because the Postal Service is made the beast of burden for the whole Government.

I can promise the Senator from Virginia that if this bill becomes a law and the last amendment in it remains unmutilated there will be a searching inquiry into the evils which he points out, which I believe ought to be corrected and the correction of which I think will go far toward enabling us to readjust postal rates on an equitable basis and in perpetuity.

Mr. GEORGE. Mr. President, recurring to the subject in hand—that is, this particular amendment I have offered—when the Senator from Virginia, with my permission, made answer to the Senator from Utah I was about to say that whether or not the amendment offered by me would result in a deficit or would actually result in an increase in revenue, so far as second-class mail matter is concerned, was the very matter I proposed to discuss.

The Senator has been very well answered already as to whether this amendment or any other amendment really in effect grants subsidies or preferential rates to one class of mail as against another. The Senator must now be informed, as indeed all Senators are, that the whole postal system, from the bottom to the top, is full of preferential rates; it is full of concessions; and if there is to be invoked the doctrine that every class of mail matter must pay its way, or any particular service must pay its way, the obligation is put upon us to go back through the whole system and take away every concession, take away every preferential rate, take away every free serv-

ice, to the end that no user of the mail may unjustly be charged for what is given to somebody else by the Government.

I do not want to discuss that question, however. I want to direct my attention to the particular amendment which I have offered and to this particular phase of the question, to wit, whether or not under the rates proposed in my amendment there would be an increase in revenue to the Postal Department or whether there would be a further decrease in the revenues.

I am sure that when Senators really consider the question, they will be unwilling to commit themselves to the proposition that they should disregard the established policies of the Congress and insist upon every service performed by the postal system paying its own way, because the Senate has just voted to give to religious periodicals a preference which was carried into our law some years ago, and I think very justly. But I do not think that that vote could be defended, or even excused, if any man should rise here and insist upon the proposition that the postal system should pay its way in every branch of its service, because that would be asking us to commit ourselves to an act which would be essentially and at bottom unjust and immoral. But I do believe we can defend, and that we can defend upon just grounds, the vote taken upon the Butler amendment, so-called, which does nothing more than to continue, as a part of the established policy of the Government, the same rates and provisions which have heretofore been carried in our postal laws, so far as religious and fraternal publications go.

But if Congress is going to commit itself now or at any time to the proposition that every branch of the service must pay its way, the Congress necessarily commits itself to the proposition that every service to which preference has been given as a part of a sound public policy as determined by the Congress must be eliminated, that every preference which Congress has seen fit to give in the exercise of what seemed to it to be a wise public policy must be wiped out, and we must go back to the proposition that every service paying its way means that we can in the exercise of our judgment give to no service the slightest preference. That is my view, and I think it is perfectly proper to state my view in the light of the amendment which I have offered.

But now recurring to the operation of the rates carried in the revenue act of 1917 and the particular rates to which I propose in this amendment to revert, permit me to read just a little of the testimony taken before the committee from more than one witness, though I shall try to confine the testimony to the pertinent question involved in the amendment.

Mr. FLETCHER. May I ask the Senator whether the rates have been changed since 1917 in respect to the particular matters involved in the amendment? The Senator refers back to the rates of 1917, and I understand the amendment carries the same rates as those. Have there been changes since then?

Mr. GEORGE. Yes; I will say to the Senator that in the act of 1917 there were four successive increases provided, taking place over four years so far as second-class mail goes, and there were increases also in first class and other classes of mail, and all increases imposed in the revenue act of 1917, except the increases on second-class mail, have long since been corrected. There has been a return to the original rates, except as to second-class matter.

The first increase of rates on second-class mail matter—and my amendment relates entirely to second-class mail—was effective in 1918; that is, from June 30, 1918, until June 30, 1919. The second increase operated from June 30, 1919, to June 30, 1920, and it is to that increase that I propose in this amendment to revert.

Mr. FLETCHER. Is that last increase in effect now?

Mr. GEORGE. No. Four successive increases were provided. The third increase took effect on July 1, 1920, and the fourth increase on July 1, 1921; but I propose to go back to the increase provided for the year 1919—that is, the fiscal year ending June 30, 1920—which was one-half of 1 cent over the rate prevailing prior to 1917, and is one-half of 1 cent under the present rate on second-class mail matter.

I want to refer first and quote briefly from the testimony of one who appeared as counsel for the National Newspaper Publishers' Assoication, Mr. Hanson. I am not reading from the printed record, but from the original typewritten record which I examined before the record was in print. Mr. Hanson testified before the committee on December 27, 1924, as follows:

> Second-class mail is the only class of mail upon which postage rates have been increased since 1912. While it is true that for a short time during the war there was a tax on letters and certain parcels, that tax was removed immediately after the armistice, but a law increasing the rates of postage on second-class mail became effective on July 1, 1918. It provided for a series of graduated annual increase beginning on July 1 that year, and it reached a maximum on July 1, 1921. In other words, since July 1, 1918, there have been four increases in postage on second-class mail and no increases in postage on any other class of mail. These increases in postage have increased the revenues received by the department from ninety-five one-hundredths of 1 cent per pound to 2.16 cents per pound since 1918; so in the last six years we have had four increases on second-class rates and no other branch of the service has been increased at all. In the last 11 years we have had 600,000,000 pieces of second-class mail driven from the mails, whereas every other branch of the mail service has increased not only in volume of pounds but in volume of pieces carried.
>
> Senator MOSES. What about the revenues? Have you any figures on that subject?
>
> Mr. HANSON. The revenues have increased 125 per cent. In other words, they have driven out one-eighth of our circulation but have increased the revenues approximately 125 per cent. That increase was brought about with a one-half cent per pound increase. In other words, they raised us from 1 cent to 2 cents a pound in the first zone in four successive years, and you have approximately the same revenue from 1.5 cents in the first and second zones that you have for 2 cents.

I invite the attention of Senators to these figures:

> Let us go for a minute to the revenues. The first of those increases took effect on July 1, 1918. The revenues from second-class mail for the fiscal year ending June 30, 1918, were $11,718,000, in round figures. The first increase, which represented one-fourth of a cent per pound in the first and second zones, produced the next year $16,059,000 in revenue, or approximately an increase of $4,300,000.

It is to the next following increase that my amendment proposes to return:

> In 1920 the second increase of one-fourth of a cent per pound produced a total aggregate revenue of $25,100,000, or an approximate increase of $13,300,000. That one-half a cent increase spread over two years produced $13,300,000 increase in revenue.
>
> In 1921 the third increase of one-fourth of a cent per pound in the first zone went into full effect and produced $25,499,000 in total revenue.
>
> The first two increases of one-fourth of a cent per pound each produced $13,300,000 additional revenue and the third increase of one-fourth of a cent per pound produced less than $400,000 in additional revenue.
>
> From 1918 to 1920, with an increase of one-half cent a pound in the first two zones, the revenues jumped from $11,700,000 to $25,100,000. In 1921, with an increase of one-fourth of a cent per pound, the revenues correspondingly increased by $399,000. In 1922, with another increase of one-fourth of a cent per pound, the revenue decreased $302,000, the total for that year being $25,197,000, or only $99,000 more than the total for 1920, when they had a cent and a half as against 2 cents in the first and second zones in 1922.

Now, the Postmaster General has pointed out that while the third and fourth successive increases on second-class mail matter did not produce the corresponding increase in revenue or the proportionate increase in revenue that was secured by the second increase which went into effect on June 30, 1919, and was in effect for one year thereafter, that the years 1921 and 1922 were off-peak years in point of business; that is to say, we were experiencing a business depression in the country and the revenue of the Postal Department, along with the revenue of every other line of business, fell off. There is, of course, some weight to this suggestion, which must be borne in mind.

But the Post Office Department itself has provided figures which appear in the printed report at page 58, which very clearly indicate one thing, and that is that when the 1920 revenues were increased during the next two succeeding years there was a very slight increase so far as the revenues of the postal system were concerned and that the point of saturation, so to speak, seems to have been reached with the increases that were imposed on June 30, 1919.

That, I think, is borne out by the testimony of men who appeared before the committee and who from the beginning insisted upon the one proposition, that the increased rate on second-class mail matter has actually driven out of the Post Office Department the bulk of the second-class mail. It is entirely reasonable, and it must commend itself to the minds of all reasonable men, that when the rate becomes so high as to drive away the business upon which that rate is imposed, then the rate has become too high to produce revenue.

I want to read and thus put into the RECORD the testimony of Mr. Davis, of the New York Herald. I read but briefly from his testimony upon the question that I have already indicated—that is, that the present rates on second-class mail matter have

really driven second-class mail out of the mails. Speaking of the mailing lists of evening papers in the great cities, he said:

Their mailing list in New York is very small. The morning papers are the biggest users of the mails. The average morning paper places from 8 to 10 per cent of its total circulation—that is, bundles, etc.—in the mails. A few years ago in the case of my own paper we ran trucks 75 miles and have substituted that service for the mails. We do it much cheaper.

Representative RAMSEYER asked the witness this question:

How do you distribute them at the places where your truck delivers them?

Mr. DAVIS. We have them taken to the dealers' doors. Through Westchester County and up along the Hudson River we save a great deal of money by doing that.

Representative RAMSEYER. Do I understand now that you are saying that there is only 8 or 10 per cent of the morning papers in large cities like New York, Philadelphia, and Boston that get into the mails at all?

Mr. DAVIS. The daily circulation of the New York Herald-Tribune in week days is about 285,000. We are now using in the mails about 33,000. We are a little higher than most papers.

Now I will read the testimony of Mr. S. E. Thomason, vice president and business manager of the Chicago Tribune, who, I take it, is a responsible witness:

Mr. THOMASON. If I may volunteer to answer the Congressman's question, I would say that in the average large metropolitan center the average evening paper will run from 2 to 2½ per cent mail circulation. The average morning paper will run from 8 to 10 per cent. In the case of my own paper—

That is to say, the Chicago Tribune—

the morning circulation is 615,000, and the mail circulation is 62,000, almost exactly 10 per cent.

Turning now to the testimony of Mr. Hanson on this particular point, he states:

Gentlemen, on that point, the large metropolitan papers have a variety of methods for getting their publications out, but when you come to the small paper which has to publish on a small margin of profit, it is impossible for them to get their outside distribution by any other means than rural free delivery.

I wish now to quote briefly from the testimony of Mr. E. H. Baker, president of the Plain Dealer Publishing Co., Cleveland, Ohio, as follows:

The effect of the raises which have already been put into effect—

He is speaking of the rates on second-class mail matter—

has been to make every publisher go to the most extreme length to keep from the United States mail every copy that he could take out.

I digress here to say that when it is shown by credible witnesses, indeed, by the undisputed testimony before the committee, that of all of the big metropolitan evening dailies only about 2 or 2½ per cent of their entire circulation finds itself in the mails, and of the morning newspapers only between 8 and 10 per cent of their circulation finds itself in the mails, it must be accepted as true that the rates imposed and now in effect have driven second-class mail out of the mails.

Mr. FLETCHER. Mr. President, I should like to ask the Senator from Georgia a question. It would seem that that would apply simply to the metropolitan dailies in large centers, but it could scarcely apply to the daily newspapers and weekly newspapers in small country towns. I take it such newspapers must use the mails.

Mr. GEORGE. That is quite true, and I was coming to that. On that point I wish to read the testimony of Mr. Thomason, as follows:

Gentlemen, just one person throughout the United States is going to be hit by it—

Referring to the increases on second-class mail carried in the Sterling bill—

and that is the reader of the city dailies, large and small, in the country districts. He and only he. The average daily represented by the class of dailies particularly that Mr. M. F. Hanson has just described here can not pay the freight. That means it has got to pass the expense on to the country reader.

He illustrates:

We, in the case of the Chicago Tribune, had 85,000 mail circulation in 1918. And that portion of our circulation, counting what we have been able to get since that time, is down to 62,000.

Senator MOSES. Did you increase your subscription rate?

Mr. THOMASON. We did increase it during the war from $4 to $7.50, and our circulation fell to 30,000 copies at that time.

* * * * * * *

Representative RAMSEYER. Do I understand that if the rate were increased as proposed in the Sterling bill you would have to pass that on to the country subscriber?

Mr. THOMASON. Well, as to that, I am not speaking of the particular institution which I am employed by, but of the newspapers of the country as a whole.

Representative RAMSEYER. Would they do it?

Mr. THOMASON. Will they? Absolutely they will. I confidently say there are not 10 newspaper properties in this country to-day that can absorb that rate without raising their country rates of subscription.

I wish to call the attention of Senators to the fact that this testimony is nowhere throughout the hearings that were conducted during the holidays disputed or even modified by any witness. Here is testimony to the same effect from the Daily Oklahoman, published in Oklahoma City, Okla.:

If second-class postage rates are increased, I have instructed our circulation department to immediately write all subscribers who are receiving the paper through the post office, and to make arrangements with them to deliver their copies through local newsdealers, who receive it by express rather than through the mail. We can change our subscriptions going to towns in that manner, but we can not change subscriptions going on rural routes, and we will either let them expire as rapidly as possible or establish a higher rate to rural routes to take care of the expense.

Now, Mr. President, I wish to quote again from Mr. Thomason, the vice president and business manager of the Chicago Tribune. He has this to say:

I would say, gentlemen, that as a matter of policy if a fair flat rate could be established you could double the revenue of the second-class mail without any question, but you would want to make certain in advance it was fair. This Sterling bill—it has been said here before, and it does not add a whole lot if I say it; but I say it with absolute confidence, and I expect to appear before you gentlemen in years to come. This Sterling bill will not raise a nickel of revenue from second-class rates. It won't do it from second-class mail.

Mr. STERLING. Mr. President, may I ask from whom the Senator from Georgia is reading? I merely caught the latter part of the statement.

Mr. GEORGE. Does the Senator refer to the last statement I read?

Mr. STERLING. Yes; in which reference is made to the Sterling bill.

Mr. GEORGE. I was quoting then from the testimony of Mr. Thomason, vice president and business manager of the Chicago Tribune.

Mr. MOSES. Mr. President, is it not also true, may I ask the Senator, that Mr. Thomason is president of the American Newspaper Publishers' Association?

Mr. GEORGE. He is in fact president of the American Newspaper Publishers' Association.

Mr. STERLING. The statement is, as I recall, that the increase would not raise a dollar of revenue.

Mr. GEORGE. More than that; he said it would not raise a nickel of revenue. Mr. Thomason adds this:

We find in our business—

Speaking of the newspaper business—

that there are points beyond which it is inadvisable to raise our advertising rates in our circulation lists, because they are more than the traffic will bear, and that is just the situation you have got down to here. You can not increase revenues by simply increasing rates in any business.

That is the whole case. If we could increase revenue by increasing rates on business all of the economic problems in the world would be solved; but that can not be done, for there is a point somewhere at which an increased rate will produce less revenue than a lower rate. If the testimony of the gentlemen who appeared before the committee is to be given face value, or even if it is to be discredited by taking into consideration the fact that they were interested witnesses, it, nevertheless, remains that this testimony indicates—and it indicates beyond all doubt—that with the increase on second-class mail, effective in July, 1920, the saturation point had been reached, the fine dividing line had been crossed, and the revenue from second-class mail matter fell off. That is borne out by the fact that since the rates were increased——

Mr. SIMMONS. Mr. President, I think the statement the Senator has just made expresses an axiomatic principle of all taxation.

Mr. GEORGE. Undoubtedly so.

Mr. SIMMONS. When you reach the point where a greater tax would reduce revenue instead of increasing revenue that is a fact which admonished you to stop there.

Mr. GEORGE. I think the Senator is quite right. I know that I am speaking of a proposition that is entirely axiomatic; but, because the Post Office Department takes the position that there really has not been a decrease in poundage and in revenues derived from second-class mail matter, and because they persist in that argument, I wanted to read to the Senate and to put into the RECORD in concrete form the testimony of these responsible witnesses.

Now, I am going to refer briefly to some of the periodicals and magazines because, if the fact finding commission is to be of any service to us, and if we rely upon any part of it at all, our notions with regard even to magazines must be revised.

I shall now read from the testimony of Mr. Baldwin, who appeared before the committee perhaps on the second day of the hearings. He was asked about magazines, and in discussing this very question of rates on second-class mail matter he said:

I can not speak individually for the two hundred and odd publications which I represent, because each has a little different condition that confronts it, but I do know that the Saturday Evening Post has withdrawn from the post office, and that 70 per cent of their present production never reaches a post office, and 15 per cent is mailed at Philadelphia, while 15 per cent is shipped by freight and entered in various post offices to take advantage of lower zones.

So it appears that in the case of a large publication, such as the Saturday Evening Post, under the existing second-class mail rates, 70 per cent of its entire circulation is withheld absolutely from the mails.

Mr. OVERMAN. Mr. President, what is the relief for such a situation? What can we do to get the Saturday Evening Post in the mails in order to produce revenue?

Mr. GEORGE. By the reduction of rates to the point where it will be to the business interest of the publisher to reenter the mail.

Mr. OVERMAN. If the Senator's amendment is adopted they will begin to ship through the mails this matter which they now send by freight and express?

Mr. GEORGE. Exactly.

During the committee's deliberations it was asked, if the Government is really losing money on so much of the second-class mail as it now handles, how will the Government be advantaged by increasing the volume of second-class mail? I wish to read a portion of the testimony of Mr. Baldwin upon that point:

All the great magazines are not entering their publications into the post office, but they are sending them here and there, and then dumping them into the post office where you have the heaviest work. That is a discrimination against the smaller publications, which can not avail themselves of such a condition.

Senator MOSES. Do you think that would be possible under the competitive conditions of transportation?

Mr. BALDWIN. I do.

Senator MOSES. If the railroads are now carrying them far cheaper——

Mr. BALDWIN (interposing). I do not mean under the present contract of per space-mile.

Senator MOSES. No; but what I am getting at is this: The publishers are not going to pay the Government more than they pay the railroads.

Mr. BALDWIN. No.

Senator HARRELD. On the other hand, the railroads would not take less from the Government than they do from the publishers.

This is the point:

Mr. BALDWIN. No; but how much less trouble it would be than they have now——

That is, to the publishers—

the trouble of rerouting and reshipping, and paying the freight to the post-office city, and there reentering it, if they entered it in New York City and handed it over in a freight car, at a rate which would be just to the Government, and let the Government have it in the mails, and the Government could obtain that car just as cheaply as the publisher. That is a fixed rate. But it will be a deferred service, and not this fixed service. I am only mentioning that situation because it does seem to me a pity that the great publications like the Saturday Evening Post and the Pictorial Review are being driven out of the mails.

Continuing:

At the present time there are thousands of tons of mail that are not going into the post office. It is being distributed by all manner of distribution services in the larger cities, and the question that I think is worthy of consideration is whether the post office should not make a bid for this business, the same as my friend says they are making a bid for business from the express companies by lowering rates on parcel post in certain zones.

Continuing just one further excerpt from the testimony of Mr. Baldwin:

Apply the same principle to the immense organization which you have—

Referring to the postal system—

and you will derive a tremendous revenue from it. That revenue is slipping away from the post office now through the organization of distributing companies which take these magazines and handle them.

Throughout the testimony it is made perfectly plain that the publishers, both of daily newspapers, large and small, and of magazines, are now resorting to other means of carrying their product. They are not putting their publications into the mails.

I call attention to the statement made by the Post Office Department to the fact that the years 1920, 1921, and 1922 were years of financial or business depression; and it is therefore pointed out by the Post Office Department that those years can not be taken as an index of what will be produced or what is now being produced, according to the contention of the department, on the present existing rates, which are higher than the rates carried in the amendment offered by me. I call attention to the table inserted by the Post Office Department, which in a measure bears out the contention of the department. I also call attention to the department's explanation of the fact that since the present second-class rates went into effect 600,000,000 pieces of second-class mail that formerly were in the mails have actually been driven from them; that that is due in part, at least, to the free-in-county service and to other causes pointed out by the Post Office Department; but it comes back finally and at last to this, if Mr. Baldwin is to be believed and if Mr. Thomason's testimony is to be accepted, and if the testimony of every other witness who made appearance before the committee is to be accepted: Only 2 or 2½ per cent of the larger evening papers find themselves in the mail, and only 8 to 10 per cent of the larger morning papers find themselves in the mail.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. GEORGE. I yield.

Mr. McKELLAR. What percentage of the magazines and trade papers find themselves in the mail under the present rates?

Mr. GEORGE. I read the testimony of Mr. Baldwin with reference to the Saturday Evening Post, I believe, in which he stated that 70 per cent did not enter the mails at all; that 15 per cent entered at Philadelphia and 15 per cent at other points of entry throughout the country.

Mr. McKELLAR. I am absolutely sure, so far as my investigation goes—and I have been on the committee a long time and have heard the testimony a number of times—that newspapers, under the rates of 1920, absolutely pay the cost of their transportation. I am not so sure about other forms of second-class matter, such as trade journals and even magazines. That is why I asked the Senator the question that I did with reference to the amount of magazines that went through the mails.

Mr. GEORGE. I will say to the Senator that the cost-investigating report shows that magazines, other than certain excepted classes of magazines, are carried by the Government at a total loss of $5,000,000 or a little less, whereas the assumption had been, and, indeed, the popular belief had been, that many of these larger publications were themselves costing the Government four to five times that amount.

Mr. McKELLAR. What loss did they attribute to newspapers in this report?

Mr. GEORGE. They attribute a total loss of $74,000,000 to all second-class matter.

Mr. McKELLAR. I understand that; but how much of it do they attribute to newspapers?

Mr. GEORGE. About $30,000,000 to newspapers and about $5,000,000 to the class of magazines to which the Senator evidently refers. I think I am correct in the figures just given. The Senator from New Hampshire [Mr. MOSES] recalls those figures much more accurately than I do.

Mr. MOSES. No; the Senator stated the figures with reference to the Curtis publications with accuracy, but my attention was diverted for a moment. I do not recall whether the Senator from Georgia spoke of the great variety of weekly trade papers whose circulation is not concentrated in large numbers in any one post office, and which, therefore, use the mails for the entire edition. Did the Senator refer to that?

Mr. GEORGE. I did not refer to that at all, Mr. President. I have but just a few additional remarks that I wish to make. I wish to narrow the whole question, so far as my amendment goes, to this:

While the Post Office Department does insist that the present rates, or even an increase in the present rates, on second-class mail will produce more revenue, yet here are the publishers appearing before the committee—responsible men—who point out that they have already taken out of the mail practically all of their publications, and who point out that they are able to carry their publications at a cost of 1 cent and in many instances one-half of 1 cent, where the Government is now imposing a charge of 2 cents for the same service; and it passes without argument and without emphasis that business men will take advantage of the best business opportunity offered them. I want to call attention to the fact that a few of the larger papers, as Mr. Thomason has testified, and other witnesses have testified, possibly 10 or 12 in the country, can stand an increase in their rates. That statement is based upon the assumption that those larger papers will be able to carry their product without resorting to the mails. That being true, they assert that at least 10 to 12 publications or publishers in this country will be able to carry their papers and periodicals notwithstanding a further increase in second-class mail rates; but that is not true of the small daily papers, and by "small daily papers" I mean daily papers having a circulation of 50,000, or even 75,000, and under.

Mr. SIMMONS. Mr. President, the Senator means papers circulating in the first and second zones entirely?

Mr. GEORGE. Largely so; because practically all the circulation of the smaller dailies is confined to the first and second zones—some going over into the third zone—but generally to the first and second zones.

I want to insert in the RECORD these figures which have been worked out by a daily paper in my State—the Macon Telegraph. It has a circulation of approximately 30,000, I should say. It is well within the class of what may be called small dailies. These figures have been prepared and furnished me, and I have others from papers throughout the country, but these will serve as an illustration. It is not the extremest case I have in this file by any means; it is rather a conservative statement.

Referring to the bill as reported—that is, with the committee amendments now before the Senate—the Macon Telegraph says that this bill, if put into effect, will increase its expense for the advertising portion of the paper $8,040 per annum and will decrease the expense for the news matter by $1,620, making a net increase of its expenses of about $6,400 per annum.

There is your typical case—a paper with approximately $100,000 capital, I should say, a paper with a circulation of approximately 30,000. The rates carried in the amended bill will wipe out a profit of about 6 per cent and will convert a small profit into an actual loss.

That is typical. It is typical of every southern newspaper falling in the class of papers known as the small dailies. It bears very much more severely upon some papers than upon this particular paper, but it is typical of the large class of papers that serve the South, the Northwest, and the West and even many sections of the East. Testimony is in the record here from newspaper men in the State of New York who say that they are able to deliver their papers, small dailies, outside of the mail cheaper than they can make delivery in the mail, and therefore they have largely withdrawn their papers from the mail. They are able to do that in the East because of a very dense population; but the southern newspaper, the western newspaper, the northwestern newspaper, can not do that, and consequently it will have to stand the loss; and Mr. Thomason, of the Chicago Tribune, is entirely right when he says that every paper will have to pass on its increased expense finally to its country reader, and those who can not pass it on to the country reader will have to stand a diminishing subscription list, which will mean a constant loss in revenue to the paper.

Mr. President, I have nothing further to say upon the amendment at this time, but in closing I wish to affirm my belief that a return to the rates of 1920 on second-class mail matter will result in a natural increase of revenue from that class of mails, and that is borne out by the fact that 600,000,000 pieces of second-class mail have gone out of the mails since additional increases were imposed; and it is borne out by the fact that that has been the contention of every publisher of responsibility who has appeared before the committee. When you have discounted that testimony by pointing out that they are interested in this legislation, you must nevertheless recognize that every one of them has repeated time and again that any further increase would result in the almost total exclusion from the mails of all papers and periodicals that could be carried by any other means than the mails, and that the only part of second-class mail, so far as newspapers and magazines are concerned, that would remain in the mails, would be those publications that simply had to depend upon the mail.

The hour is late, and I do not want to indulge in anything but a simple statement of what I think to be the facts in the case; but there is a class of papers in the United States, the small daily and the weekly papers of America, which carries the Government back to the man on whom the Government ultimately depends—that is, the man in the back country. They can not subsist if you increase the rates. If we go back to a sane rate basis, such as was in effect in 1920, when on the volume handled by the post office we derived revenue in comparison with the volume, we will invite into the mail that large volume of second-class matter which is now traveling in whole or in part outside of the mails, and the result will be a net increase in our postal revenues.

EMPIRE COTTON GROWING CORPORATION

Mr. SHEPPARD. Mr. President, I offer the resolution which I send to the desk, and ask for its immediate adoption. It is a resolution merely asking for information from the Federal Trade Commission which it possesses or to which it has ready access.

The resolution (S. Res. 317) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Federal Trade Commission be requested to report to the Senate as soon as possible whatever information it possesses or has ready access to regarding the development, methods, and activities of the Empire Cotton Growing Corporation, and as to the probable effect upon American cotton growers of the action of the British Government as outlined in article 6 of the recent ultimatum to Egypt with respect to the increase of the area to be irrigated at Gezira in the event such action should be carried out.

AIR-MAIL SERVICE

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent for the present consideration of House bill 7064, a bill on the calendar, to encourage commercial aviation and to authorize the Postmaster General to contract for air-mail service, and I ask leave to make a very brief explanation of the request.

The PRESIDENT pro tempore. The Secretary will read the bill for information.

The reading clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the air mail act.

SEC. 2. That when used in this act the term "air mail" means first-class mail prepaid at the rates of postage herein prescribed.

SEC. 3. That the rates of postage on air mail shall be not less than 10 cents for each ounce or fraction thereof.

SEC. 4. That the Postmaster General is authorized to contract with any individual, firm, or corporation for the transportation of air mail by aircraft between such points as he may designate at a rate not to exceed four-fifths of the revenues derived from such air mail, and to further contract for the transportation by aircraft of first-class mail other than air mail at a rate not to exceed four-fifths of the revenues derived from such first-class mail.

SEC. 5. That the Postmaster General may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act: *Provided*, That nothing in this act shall be construed to interfere with the postage charged or to be charged on Government-operated air-mail routes.

Mr. REED of Pennsylvania. In brief, the bill authorizes the Postmaster General to make contracts for air-mail routes where he can contract for the service at four-fifths of the actual revenue from the service. That is to say, instead of granting a subsidy, it authorizes the making of a contract only where the Post Office will make a profit of 25 per cent.

Mr. STERLING. This is House bill 7064?

Mr. REED of Pennsylvania. Yes; it has been favorably reported from the Committee on Post Offices and Post Roads, the report being unanimous. While I realize that it is unusual to ask for the consideration of a bill in this way, the reason for

not waiting for it to come up on the calendar in its regular order is that if it is to take effect this year it must be passed now and get to the Director of the Budget this week. Otherwise the whole action will be postponed for a year. It involves no outlay by the Government whatever, except where a greater income is derived from that particular route for which the contract is made.

Mr. WILLIS. Will the Senator state whether there is any change in existing law by section 3? My attention has just been drawn to that section.

Mr. REED of Pennsylvania. No. Section 3 provides:

That the rates of postage on air mail shall not be less than 10 cents for each ounce or fraction thereof.

I understand that that does not raise the rate in any way over the present schedule.

Mr. GEORGE. I did not quite catch the Senator's statement about the measure. This is not a special bill?

Mr. REED of Pennsylvania. No; it is a bill general in its scope.

Mr. MOSES. The Committee on Post Offices and Post Roads reported the bill favorably without amendment.

Mr. REED of Pennsylvania. It is a House bill, and was passed without objection in the House. It merely authorizes the making of airplane delivery contracts where the income to the Government would exceed the cost of the service.

Mr. GEORGE. I remember it.

Mr. REED of Pennsylvania. I think the Senator is familiar with it. He will recall that it was before the committee.

Mr. GEORGE. Yes; I recall it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. MOSES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

RECESS

Mr. MOSES. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Wednesday, January 28, 1925, at 12 o'clock meridian.

EXTRADITION WITH CANADA

In executive session this day, the following convention was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States and His Britannic Majesty, in respect of the Dominion of Canada, providing for extradition on account of crimes or offenses committed against the laws for the suppression of the traffic in narcotics, signed at Washington, January 8, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 10, 1925.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and His Britannic Majesty, in respect of the Dominion of Canada, providing for extradition on account of crimes or offenses against the laws for the suppression of the traffic in narcotics, signed at Washington, January 8, 1925.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, January 9, 1925.

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, being desirous of enlarging the list of crimes on account of which extradition may be granted with regard to certain offenses committed in the United States or in the Dominion of Canada under the conventions concluded between the United States and Great Britain on the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, and the 15th May, 1922, with a view to the better administration of justice and the prevention of crime, have resolved to conclude a supplementary convention for this purpose, and have appointed as their plenipotentiaries, to wit:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States of America, and

His Britannic Majesty: The Honorable Ernest Lapointe, Minister of Justice to the Dominion of Canada;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I

The following crimes are, subject to the provision contained in Article II hereof, added to the list of crimes numbered 1 to 10 in the 1st article of the said convention of the 12th July, 1889, and to the list of crimes numbered 11 to 13 in Article I of the supplementary convention concluded between the United States and Great Britain on the 13th December, 1900, and to the list of crimes numbered 14 and 15 in Article I of the supplementary convention concluded between the United States and Great Britain on the 12th April, 1905, and to the list of crimes numbered 16 in Article I of the supplementary convention concluded between the United States and Great Britain on the 15th May, 1922; that is to say:

17. Crimes and offenses against the laws for the suppression of the traffic in narcotics.

ARTICLE II

The operation of the present convention is confined to cases in which the offenses mentioned in the preceding article having been committed in the United States or in the Dominion of Canada, the person charged with the offense is found in the Dominion of Canada or in the United States, respectively.

ARTICLE III

The present convention shall be considered as an integral part of the said extradition conventions of the 12th July, 1889, and the 13th December, 1900, and the 12th April, 1905, and the 15th May, 1922, and the 1st article of the said convention of the 12th July, 1889, shall be read as if the lists of crimes therein contained had originally comprised the additional crimes specified and numbered 17 in the 1st article of the present convention, subject to the provision contained in Article II.

The present convention shall be ratified, and the ratifications shall be exchanged either at Washington or Ottawa as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the high contracting parties, and it shall continue and terminate in the same manner as the said convention of the 12th July, 1889.

In testimony whereof, the respective plenipotentiaries have signed the present supplementary convention and have affixed their seals thereto.

Done in duplicate at the city of Washington this eighth day of January, in the year one thousand nine hundred and twenty-five.

[SEAL.] CHARLES EVANS HUGHES.
[SEAL.] ERNEST LAPOINTE.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 27 (legislative day of January 26), 1925

POSTMASTERS

ALABAMA

Culver M. Hillis, Athens.
Joseph S. Mathis, Atmore.
Samuel L. Thetford, Boligee.
Marzette H. Bell, Calhoun.
Frances A. King, Childersburg.
John T. Haertel, Citronelle.
Eugene B. Hanby, Coal Valley.
Edward B. Beason, Demopolis.
James W. Snipes, Florala.
Madison D. Majors, Georgiana.
Sister M. Loretta, Holy Trinity.
Jesse D. Newton, Odenville.

Albert R. Boroughs, Perdue Hill.
Henry C. Warren, Rogersville.
Allie Wilson, Stevenson.
John H. Lynn, Summerdale.
Evelyn E. Morgan, Uniontown.
James McDonald, Winfield.

ARIZONA

Freda B. Irwin, Gilbert.
Raymond W. Still, Tempe.

FLORIDA

Ernest C. Mahaffey, Quincy.

KANSAS

Lela Martin, Cherokee.
Sheridan Crumrine, Longton.
Uriah E. Heckert, Tescott.

KENTUCKY

James Webb, Allen.
Troy W. Frazier, Elsiecoal.
Sadie Bowe, Wheelwright.
Felix G. Fields, Whitesburg.

MAINE

Susan M. Dyer, Harrington.

MASSACHUSETTS

Elizabeth C. Kelley, Thorndike.

NEW HAMPSHIRE

Burt D. Young, Cossville.

NEW YORK

Kenneth C. Steblen, Cape Vincent.

PENNSYLVANIA

Fred L. White, Great Bend.

TEXAS

Mary A. Weimhold, Odell.

VERMONT

Robert B. Thomas, Jeffersonville.
Harold C. Richardson, Roxbury.

VIRGINIA

Mattie C. Berry, Accomac.
Virginia H. Silcox, Andover.
John W. Smith, Belle Haven.
Hugh H. Slemp, Big Stone Gap.
Nellie A. Mannes, Boykins.
Charles F. Gauthier, Bristol.
Myrtle M. Lafoon, Ettricks.
Ross W. Walker, Fort Humphreys.
Charlotte V. Bevans, Greenbackville.
George E. Adkins, Grundy.
Maude L. Bateman, Lowmoor.
Frank P. Sutherland, McClure.
Andrew F. Johnson, Millboro.
William H. Meador, Moneta.
James J. Mateer, Rosslyn.
Norborne G. Smith, South Hill.

WISCONSIN

Fred Hennig, Bowler.

HOUSE OF REPRESENTATIVES

TUESDAY, *January 27, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Remember us, O Lord, with the favor that Thou bearest to all Thy people. We would say, blessed be the name of the Lord from this time forth even forever more. Out of the depths of our needs and limitations we pray. Much we need Thy tenderest care and pardoning grace. We praise Thee for Thy sovereign and unchanging love; we bless Thee for the assurance—as thy days so shall thy strength be. Incline all hearts to seek Thy wisdom and to ever reverence the word of Thy truth. Establish the work of our hands for the good and the prosperity of our country and for the growing blessing of every home. For the sake of Jesus, our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

"BE FAIR TO CONGRESS"—PRESS COMMENTS

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks briefly on the subject which I discussed on the floor of the House on January 12.

Mr. LONGWORTH. Mr. Speaker, I did not hear the request. Are they the gentleman's own remarks?

Mr. TILLMAN. Mainly. As the gentleman will recall, I said a few words in defense of the personnel of Congress here and there have been a few comments on the matter in the press of the country and I simply want to print a few of them.

Mr. LONGWORTH. I have no objection.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Speaker, on January 12 I spoke on the floor of the House on the subject, "Be fair to Congress," and will print a few of the many press notices on the speech:

Congress was treated to a word picture of how a lie travels, and the description has been preserved in the CONGRESSIONAL RECORD. Representative JOHN N. TILLMAN, of Arkansas, is the author of the description. (Washington Sunday Star.)

The Tribune begs to say that the criticism of a local newspaper in reference to the speech of Hon. JOHN N. TILLMAN, of Arkansas, defending the House does injustice to a gentleman of the highest personal character, whose private life and public career have won for him the respect and admiration not only of a large constituency and his party associates but those who differ with him in politics. Judge TILLMAN deservedly occupies a high position. (The Tribune, Johnstown, Pennsylvania.)

Frequent applause, especially from the drys on the floor of the House greeted the TILLMAN excoriations on sensational investigations. (Philadelphia Inquirer.)

THE DIGNITY OF THE HOUSE

Representative TILLMAN, of Arkansas, follows the only sensible course in urging the House to stand on its dignity and not permit itself to be stampeded into ordering an investigation of charges that Members of Congress have been drinking liquor. In this case there is nothing for the House—or the Senate either—to do but to stand on its dignity and treat with silent contempt these accusations.

"Is it not time," asks Representative TILLMAN, "to abandon unfair attacks on public men?"

From the congressional viewpoint, Mr. TILLMAN takes the only possible stand for a Congressman to take.

What would be the possible good of a congressional investigation?

Representative TILLMAN is unquestionably right; there is nothing for the House to do but stand on its dignity and ignore ribald charges. (Richmond (Virginia) Times-Dispatch.)

The House of Representatives is composed of men of high character and ability; men who work hard and deserve respect. (Washington Herald.)

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 8308. An act authorizing the Coast and Geodetic Survey to make seismological investigations, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolutions of the following titles:

S. 2148. An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes;

S. 51. An act for the relief of the owner of the schooner *Itasca;* and

S. 1665. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2685. An act for the relief of the Davis Construction Co.;

S. 3760. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; and

S. J. Res. 172. Joint resolution to authorize the appropriation of certain amounts for the Yuma irrigation project, Arizona, and for other purposes.

The message also announced that the Senate had passed the following concurrent resolution:

Senate Concurrent Resolution 27

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry, for the purpose of correcting an error therein.

The message also announced that the Senate had passed, with amendments, the bill (H. R. 25) authorizing a per capita payment of $50 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation; in which the concurrence of the House of Representatives was requested.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2685. An act for the relief of the Davis Construction Co.; to the Committee on Claims.

S. 3760. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; to the Committee on Military Affairs.

S. J. Res. 172. Joint resolution to authorize the appropriation of certain amounts for the Yuma irrigation project, Arizona, and for other purposes; to the Committee on Irrigation and Reclamation.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 10152. An act granting the consent of Congress to the Huntley-Richardson Lumber Co., a corporation of the State of South Carolina, doing business in the said State, to construct a railroad bridge across Bull Creek at or near Eddy Lake, in the State of South Carolina.

BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 5417. An act authorizing and directing the Secretary of War to investigate the feasibility, and to ascertain and report the cost of establishing a national military park in and about Kansas City, Mo., commemorative of the Battle of Westport, October 23, 1864;

H. R. 11168. An act granting the consent of Congress to S. M. McAdams, of Iva, Anderson County, S. C., to construct a bridge across the Savannah River;

H. R. 10947. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River, in the city of Pittsburgh, Pa.; and

H. R. 8235. An act for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway.

CHIPPEWA INDIANS OF MINNESOTA

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 25) authorizing a per capita payment of $50 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, and agree to the amendment added by the Senate.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill H. R. 25, which the Clerk will report.

The Clerk read the title of the bill.

Mr. SNELL. Mr. Speaker, reserving the right to object, it seems to me we ought to have some explanation of the Senate amendment.

Mr. KNUTSON. I will say to the gentleman from New York that the House last winter passed the bill H. R. 25, which provided for a $50 per capita payment to the Red Lake Indians of Minnesota. The bill went to the Senate, and in view of conditions that have arisen since the bill was sent to the Senate the Senate committee, at the request of the Indian Bureau, struck out the words "Red Lake" and inserted "The Chippewa Indians of Minnesota," so as to make a general payment of $50 to all the Indians up there.

Mr. SNELL. Out of their own funds?

Mr. KNUTSON. Out of their own funds.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and the Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

The title of the bill was amended.

On motion of Mr. KNUTSON, a motion to reconsider the vote by which the Senate amendment was agreed to was laid on the table.

PER CAPITA PAYMENT TO THE CHIPPEWA INDIANS OF MINNESOTA

Mr. WEFALD. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD on H. R. 25, the bill just passed.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WEFALD. Mr. Speaker, on January 24, 1924, Congress passed a bill providing for a per capita payment to the Chippewa Indians of Minnesota of $100 to each individual Indian. This bill became Public Law No. 1 for this Congress. H. R. 25 was introduced in the first session of the Sixty-eighth Congress for the purpose of giving an extra per capita payment of $50 to each member of the Red Lake Band of the Chippewa Tribe. It passed the House just before adjournment on June 4, 1924, but was not taken up in the Senate.

There have been several questions of controversy between the Red Lake Band and the rest of the Chippewas; the Red Lake Indians have not yet been allotted lands, and this proposed extra $50 per capita payment was part of the plan of the Indian Bureau to equalize benefits to the Red Lakers out of the common Chippewa tribal funds. The Department of the Interior contended that proceeds from timber and lumber sold from within the Red Lake Reservation should be used for the exclusive benefit of the Red Lake Band. At the petition of the White Earth Band and other bands of the Chippewas I opposed its passage when it was before the House on June 4. When this bill now comes back to the House from the Senate, amended so as to give a $50 per capita payment to the whole Chippewa Tribe, it is because a jurisdictional bill has been agreed to between the Bureau of Indian Affairs and the attorney for the Chippewa Indians, under which not only the claims of the whole tribe against the United States Government can be taken up, but also all controversial matters between the different bands within the tribe can be settled. The Bureau of Indian Affairs, having eventually come to the conclusion that a per capita payment out of the Indians' own money was actually needed this winter, agreed to have H. R. 25 amended, as has been done by the action of the Senate. If the House passes this bill as it now comes from the Senate the signature of the President will make it a law and relief of the bad conditions prevailing among these unfortunate people can be speedily undertaken.

Owing to the mistaken policy pursued by the Government in the past toward these people there is and will for many years to come be need and hardship every winter among them. At their urgent request I introduced H. R. 9819 on the opening day of this session, December 1, 1924, providing for a $100 per capita payment. This bill was adversely reported by the Department of the Interior, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 16, 1924.

Hon. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: This will refer further to your letter of December 4, transmitting for report and recommendation a copy of H. R. 9819, proposing to authorize a $100 per capita payment to the Chippewa Indians of Minnesota from their tribal funds on deposit in the United States Treasury accruing under the act of January 14, 1889 (25 Stat. L. 642).

A $100 payment was made to the Chippewa Indians from this fund last winter under the act of January 25, 1924 (43 Stat. L. 1), in the total sum of approximately $1,171,800. It is not believed that the conditions justify another per capita payment at this time, and, as no estimate for such a payment is contained in the estimates transmitted to Congress by the President, I am unable to recommend the enactment of H. R. 9819.

Very truly yours, HUBERT WORK.

That the House may know whether or not the Department of the Interior is well informed on the situation among the Chippewa Indians when it says in its report on H. R. 9819, "It is not believed that conditions justify another per capita payment at this time," I wish to read into the RECORD some interesting statements of fact relative to conditions among the Chippewa Indians of Minnesota at the present time and how conditions have in many respects been changed for the worse. I do this for the reason that I am sure the same conditions will prevail again next winter, and that we may through these statements be able to see whether conditions among them change for the better or for the worse. In a speech on the situation among these Indians, delivered in the last session, I quoted extensively from newspaper stories written by reliable investigators, and looking back to last winter it will be seen that conditions have not improved very much. Whatever improvement there is, if any, must be due to the per *capita* payment given them last year. Shortly before I introduced my per capita payment bill this session one of the leading Chippewa Indians, a member of their council, an intelligent and truthful man, Mr. Charles E. Leith, of Mahnomen, Minn., made the following statement in support of a $100 per capita payment that will throw a good light upon the trials and tribulations of these people:

The condition among the Chippewa Indians of the White Earth Reservation was made extremely bad by the severe frosts about the middle of August this year. I went up to Lower Rice Lake the 18th of August to take some levels and reestablish the meander lines and corners around this lake to determine how much water the Indians needed for the purpose of harvesting their wild rice. The reason for the water being so low was that the county of Clearwater, where Lower Rice Lake is located, constructed a ditch through the north end of the lake. In doing my work around the lake I found some gardens quite large, some of the Indians having an acre or more of potatoes, corn, beans, and other garden truck all frozen black and dried up and was a total loss. As a timber cruiser and timber estimator, my business takes me to all parts of the White Earth Indian Reservation, and the most destructive frost was in the eastern part of the reservation where the Indians live. The loss of all their gardens will make conditions worse among them than any previous years.

The merchants are charging more for staple articles than a year ago. Thirty-cent coffee is now from 40 to 45 cents a pound; 100 pounds of flour that used to sell for $3.50 per hundredweight is now selling from $4.75 to $5 per hundredweight, and still going up. Pork and other meats have advanced over 20 per cent.

Quite a number of Indians from this part of the White Earth Reservation were in North Dakota during harvest and threshing. I also met many Indians from the different reservations in Minnesota, and it was nearly impossible for them to get jobs; they stated that the country was flooded by men from all parts of the United States, and these men told me that the reason was because of the shutting down of saw mills, factories, and other industries in all parts of the United States. The rainy season came and it took two months to get in 20 days threshing, and many of them did not get in that many days. An Indian could consider himself lucky if he got a job at all. I was in the different parts of North Dakota this fall and found the conditions of the farmers deplorable, as about 75 per cent of their crops are mortgaged to the bankers. Some of them were stripped so completely, even to the last load of oats, leaving many of them without food.

Now these are a few reasons why the Indians are in such deplorable conditions. I asked some of the Indians, when they returned home, about how many days shocking and threshing they did. Some told me 5 days and some as much as 8 days, according to the size of the farm they worked on; some for from 10 to 12 days threshing. The price paid for shocking was from $2 to $2.50 per day. Men coming in cars were broke and offered to shock for $2 per day, regardless of hours. Figuring up about the average the Indian made with 6 days shocking, amounting to $12, and 12 days threshing at $4.50 amounting to $54, total $66.

And it took nearly three months to do this. There were no jobs to get when they returned and there are none now. This shows what money the Indian earned during harvest of the so-called big crop in North Dakota in 1924. Being a rainy season this fall, many of the farmers paid off their men when a rain started, which forced them to go to town to board, where it cost them from 75 cents to $1 for bed and 40 to 50 cents per meal, and so many of the men spent nearly all they earned for board and lodging. Some were lucky and got their board and lodging at the place they worked during the rains. Then the expense of going and returning home, paying train fare for hundreds of miles, which left many very slim stakes from the North Dakota harvest and threshing. No half-fare rates were given anybody from any parts of the White Earth Reservation.

Winter has set in already and it is now the 19th day of November, 1924, and not an ounce of rations has been issued to any of the old people, Indian men and women, sick and blind and destitute. They are now at the mercy of the people they stay with. Yes, they got a $15.50 annual annuity payment; this did not help some poor old married Indian couple out very much, as $15.50 does not go very far in buying warm clothing, blankets, and provisions.

As for hunting and trapping, the well-to-do hunters are equipped with the best guns and trapping outfits and automobiles to take them to the different trapping fields on the reservation. Now as the country is settled the game is to a great extent exterminated or driven out. The principal lakes that formerly abounded in fish has now many summer resorts and good automobile roads leading to them, where the summer resorts are, are practically all fished out by the tourists.

There was a large crop of raspberries in the southeastern part of the reservation. Also Juneberries, high-bush cranberries, and other berries in the eastern part. The Indians used to pick and sell these berries to the merchants and others; through this they secured their provisions. Now, people come in cars, even from North Dakota, to pick these berries in the eastern part of their reservation. On one occasion so many cars were parked near the berry field that it presented the appearance of a county fair. The case of the blueberries is far worse; and this was formerly a source of good income to the Indians. Now, this business has practically been taken over by the upper-crust people who come in cars bearing licenses from the different States. The blueberry crop this year was but half crop, and being scarce the Indians lost out in the picking game. Many merchants sent out trucks to bring in the blueberries that their crews had picked and hauled them in. Many people made a business of it, so the Indians could get but very little berries. In some instances the Indians were driven off by the landowners. Now, the good roads and automobiles have practically taken away this source of livelihood, where in former years it was a common sight to see ox teams, ponies with wagons coming to market with all kinds of berries which they readily disposed of at a fair price. In the wintertime they would bring in loads of fish and some furs to sell to farmers and merchants to trade for provisions. Some of the Indians formerly hauled wood to market and made a fairly good living, but it is a thing of the past, as now it is being hauled in trucks, and the different sawmills are hauling in slab wood by truck and delivering it, so the Indians have also gone out of the wood business.

There are two men located at Waubun on the reservation buying live frogs, paying Indians at the rate of 30 cents per pound. The Indians did well for a short time, or while they got the job, and netted as high as $30 per day. Now, the settlers took up this occupation and crowded the Indians out. The sugar bush, where the Indians used to make their sirup and sugar to last them the year round and had considerable to sell to merchants and others; now the woodsman's axe has left only stumps where the maple groves flourished. The maple was made into lumber and cordwood and marketed. This resource is gone with the rest of the vanished resources. The squaws used to make fine beadwork and weaving of rugs, making baskets to sell, but modern machinery has put this vocation in the shade.

I also read into the RECORD a statement by another intelligent Indian, Mr. William A. Brunette, of Lengby, Minn., also a member of the United Chippewa Council, in support of a $100 per capita payment. This statement also paints a vivid picture of the changing conditions and the crying needs of these people:

On behalf of the Chippewa Indians of Minnesota, and more particularly of the White Earth Reservation, resident in Becker, Mahnomen, and Clearwater Counties, I ask your careful consideration of the earnest request of our people for a per capita payment of $100 to the Chippewa Indians of Minnesota, to be made this winter from their tribal funds.

Congress has hearkened in the past to the plea of the Indians for a partial distribution of their tribal funds on deposit to their credit in the Treasury of the United States, and such aid has been thankfully received and the source of alleviating much suffering during the winter months.

It is hardly necessary to call your attention to the fact that winters in northern Minnesota, the home of said Chippewa Indians, are severe, calling for warm homes, abundance of fuel and warm clothing, and plenty of nourishing food. The Indian can no longer subsist on the bounty of nature for his shelter, food, and clothing, and for those living in towns and villages the fuel question is also of great importance.

For many years after the settlement of the White Earth and other reservations the digging of snake root required only a 25-cent hoe, and with this simple tool the Indian went out and earned $5 to $6 per day from early May until the ground froze in the fall. So this goes to show why the Indians did not take to farming, and not having the capital followed their own ways. They also gathered other medicinal

herbs. The harvest of fish and furs from the lakes and streams, the berries in the woods in summer, and the deer, grouse, and rabbits in winter furnished food, covering for the tepee, and was a source of revenue for the Indians.

To-day the prairies are given over to farming, the lakes and streams furnish few fish and little, if any, fur-bearing animals, and the deer have been vastly decreased in numbers. The white man seeking sport, with his repeating shotgun, high-powered rifles, and the ever-present automobile on roads that thread every corner almost of the former Indian country, have reduced the game to the vanishing point. The white man also takes his toll of the fish and gathers his share of the wild fruits. The means of subsistence which nature afforded to our fathers is gone never to return. What has the Indian to take the place of these sources of income? Some may say let the Indian learn from the white men, let him farm, let him enter the trade and do the manual labor of the communities in which he lives.

In this connection it may be stated that, despite the many noble qualities of the Chippewa Indians, those who are able to succeed in the trades or as shopkeepers and merchants are few in number. The character, training, temperament, and talent of the Indian does not, on the other hand, make him successful as a farmer. Farming requires capital for building, equipment, machinery, and livestock, and the faculty of waiting for months often to reap what has been sown. The Indians are lacking in capital, the traditions and aptitude for agriculture, the managerial ability necessary to successful farming. The Indian puts forth his best efforts and meets with his fair share of success when employed by others who furnish the capital, the tools, and the managerial ability. In other words, as a manual laborer he succeeds.

But the demand for manual labor during the winter months in the regions inhabited by the Chippewas of Minnesota is confined chiefly to logging and lumbering. It is a well-known fact, proven by statistics and by first-hand information of anyone interested in investigating the matter, that Minnesota is no longer able to supply herself with timber products; that the great pine and hardwood forests of the State are practically exhausted, and that employment in the woods can not and does not afford employment for more than 1 able-bodied Indian in 100 of the male population.

In years past the Indian trader was generally able to assist needy Indian families during the winter with supplies of clothing and food. That time has gone by for the reason that the Indian has long since parted with his lands; his ability to secure work in the woods is gone with the vanishing of the forest, and he no longer can secure from the lake, stream, and forest the fish, furs, and deer to exchange for the traders' goods.

For years past, therefore, every winter is a period of suffering, extreme hardship, and in some cases starvation for the Chippewa Indians.

Some think that because the Chippewa Indians received from Congress a per capita payment of $100 from their tribal funds in the winter of 1923–24 that there exists no necessity for a per capita payment this winter. There is great need every winter for assistance to the Indians and especially this coming winter.

The summer of 1924 was an extremely cold and unfavorable season for the growing and maturing of all crops except small grains. The Indians raise to an appreciable extent only garden crops, corn, and potatoes. Garden crops, corn, and potatoes were killed in the early frost of August 13, 1924. This was the condition all over the White Earth Reservation. It was especially severe around Twin Lakes, Rice Lake, Big Bend, and Ponsford, all of which are Indian settlements.

Again the late frosts in the spring caught the blueberries in blossom, so that crop, which is a source of much revenue to the Indians, was almost a total failure. Only the wild rice crop was good and of that cereal the Indians gathered large quantities, but can not dispose of their surplus at this time as the merchants, too, are overstocked. But with very little work afforded by logging and lumbering operations the Chippewa Indians can not go through the winter of 1924–25 without speedy and liberal assistance from their tribal funds.

As to facilities for education of the Indian, in the past the children of the older Indians were taken to the Government schools. Now there is a disposition to make use of the public schools where the children can attend and live at home under the care and supervision of their parents. The facts are there are a lot of them that do not take advantage of the Government schools on account of being deprived of the association with their children. As they have by instinct and intuition a deep parental feeling for their children, it is with a spirit of defiance that they allow their children to leave home for the Government boarding schools. On the White Earth Reservation all the Government schools have been closed, and as far as they are concerned it has become necessary for the Indian to get his own education if he wants one. It is true the Indian children are taken into the public schools and given educational training the same as the white children, and in many cases with the same beneficial results. However, at this vital point the Indians are hampered by lack of food and clothing. If the Indian pupil expects to be able to take its stand in the community and school with the white pupil, it will have to be comfortably clothed and to some extent properly fed, for without these no child can be expected to make even average progress, and in these matters the Indian father and mother are just as much concerned as those of the white race. If those in charge of the funds belonging to the Chippewas at Washington see fit to allow part of that fund to be distributed among us in the near future, they will no doubt make the best possible use of it—it will be carefully used for the necessities of life, and for the clothing and education of the children. In asking for money, being a Chippewa myself, speaking in behalf of my people, we believe we are not begging for it, we are not even asking for a loan, we are only asking that portion which is recognized by Congress as ours to be given to us at this time.

These are pathetic cries for justice, a craving for a greater participation in the blessings of civilization, like education and the enjoyment of the social status of other citizens of the country.

I have received 25 petitions, carrying over a thousand names, in favor of a $100 per capita payment. These have been filed with the House Committee on Indian Affairs. Complaints have been made over the rations that have been distributed among the old and indigent Indians. I have received pictures of an old Indian woman 70 years of age, who sits holding a piece of board on her knees on which are placed the rations doled out to her for a month. A sworn affidavit by the old lady states that for November she received 5 pounds of pork, 4 pounds of white rice, 1 pound of tea, 1 pound of sugar, and a 1-pound can of baking powder. This would indeed make a very meager bill of fare for a Congressman, and he would be hungry many a day were this to be his whole sustenance for a month.

The winter has been severe in Minnesota. This has increased the suffering and hardship among the poorer Indians. About New Year's there began to appear in Twin City newspapers reports of the bad conditions among the Indians. The superintendent of the Cass Lake Agency took exception to these statements, as will appear from the following item from the Minneapolis Journal of January 8, 1925:

[From the Minneapolis Journal, January 8, 1925]

REPORT ON INDIAN CONDITIONS DENIED—FEDERAL AGENT CHALLENGES TWIN CITY CHIPPEWAS' ACCOUNT OF TRIBESMEN LIVING IN TEPEES

Reports of conditions among Chippewa Indians in the Winnibigoshish country, 250 miles north of the Twin Cities, published in the Sunday Journal in a report of a conference on Indian relief were denied to-day in a letter from P. R. Wadsworth, superintendent of the consolidated Chippewa Indian Agency at Cass Lake.

Mr. Wadsworth referred to statements by Minneapolis Chippewas that 100 Indians near Ball Club, Minn., were living in tepees in snow 2 feet deep, and that some were suffering from want of necessaries of life. He quoted:

"Indians are clad in so little clothing that they literally can not leave the tepee until warmer weather. Many of them wear nips, a kind of half-length sock, without shoes or moccasins."

"When I read this quoted matter," his letter said, "I felt sure that it was not true at all. But in order to know about it for certain, two of the office employees and myself went in an auto and we drove over the Winnibigoshish country. We talked with different Indians, including James Wakonabo, mentioned in The Journal, and observed conditions for ourselves. We found that none of these Indians are living in tepees, not one; that the snow is not to exceed 7 or 8 inches deep; that they have comfortable residence houses; that they have plenty of firewood; that none of them are suffering for clothing or food; and that the health conditions among them are not bad.

"I want to say to your readers, and do say, that the above quoted matter, taken from The Journal of January 4, is untrue in every detail."

F. W. Peake, attorney for the Twin City Council of Chippewas, members of which brought reports of conditions among the Ball Club Indians to The Journal, to-day reiterated those reports.

"Indians are suffering from want of food and clothing up there," he said. "Some are living in tepees. There may not be 25 tepees in one group, but there are various groups of around five tepees. I saw conditions for myself in October and have had many letters since then. Mr. Wakonabo sent us an appeal for clothing just a few weeks ago. I do not know how deep the snow is now, but friends say it is deeper than here."

But the snow became deeper, the weather colder, the suffering more intense, and the cry for help went out over the State of Minnesota. Charity workers from the Twin Cities, knowing about the horrible conditions that existed among the Chippewas last winter, when conditions there were likened to those on the Volga during the Russian famine, went out among the Indians

to investigate. The report of their findings is a challenge to Superintendent Wadsworth to go out among the Indians and "see for himself." I quote from the Minneapolis Journal of January 18, 1925:

[From the Minneapolis Journal, January 18, 1925.]

INDIANS WORSE OFF THAN DOGS, WOMEN REPORT AFTER TRIP—CHALLENGE AGENT TO MAKE TOUR OF RESERVATION TO SEE WANT, DISEASE, AND HUNGER—RELIEF COMMITTEE ACTS TO RUSH FOOD AND CLOTHING AFTER HEARING TALE OF STARVATION

A challenge to P. R. Wadsworth, Indian agent at White Earth, Minn., to make a searching tour of the Chippewa Indian Reservation to see conditions at first hand, went out of Minneapolis last night, as two Minneapolis women came back from a week's trip by bobsled over the reservation.

They brought back stories of disease and hunger and need; they declared that issued rations are inadequate; they said that 900 aged men and women on the reservation need a home to which they can move for cold winter months, and made the statement that "we treat our dogs in Minneapolis better than those people are treated."

Mrs. E. M. Moran, 2545 Garfield Avenue, and Miss Elizabeth Chute, 2325 Pleasant Avenue, reported the results of their week's tour to the Indian Relief Committee of Minneapolis meeting in the mayor's reception room late yesterday, and the committee acted to—

Get clothing and food to needy families on the reservation, solicited in Minneapolis from the committee's headquarters, 900 Hennepin Avenue.

Open an unused school building at White Earth, with their own funds if necessary, so that 25 aged Indians near the village can be housed for the rest of the winter.

Broadcast their report of conditions and ask for aid all over the State.

"We saw dozens of women, 80 to 100 years old, lying on rags with no food in the house."

Mrs. Moran said.

"We saw scores of children who had not been to school all winter for lack of clothing. There are 500 persons at Rat Lake, and yet not a child has been to school all winter because there were no clothes and little food.

"We found a woman who had both feet cut off, the result of blood poisoning, lying on a pile of rags. There was some old biscuit in the house for food.

WOMAN TOO STARVED TO TALK

"We walked into a filthy house and saw some one lying under a canopy made of quilts and dirty black cheesecloth. It was an old woman, so starved she couldn't talk; two young children were almost as bad. A married daughter came from her home, and we learned that all she had in the house was a cup of flour. She had lost a baby two weeks before from convulsions and undernourishment. They all sat there, dejected, heads hanging, the house full of smoke because there were no lids on the stove.

"In home after home the women told us the floors were dirty because the water would freeze if they tried to wash them."

Accompanied by a driver and an interpreter, and at times by one or two welfare workers stationed at White Earth or Mahnomen, Mrs. Moran and Miss Chute worked their way through the reservation to half a dozen settlements, and to homes all along the way. They offered to go back over the route and show Mr. Wadsworth the conditions.

Congress was asked to appropriate funds to establish a temporary home for the aged, to be followed by remodeling of dormitories at White Earth not being used, so that hundreds of aged Indians could stay there during the winter.

A person is almost moved to ask, "What do the eyes of an Indian agency superintendent see, anyway?"

Further illustrating the plight of these people, I quote from the Minneapolis Daily Star for January 20, 1925:

[From the Daily Star, January 20, 1925]

UNITED STATES FAILS TO FEED INDIANS, WOMEN CLAIM—LACK OF FOOD INVITES DISEASE ON RESERVATION, INVESTIGATORS REPORT

Hundreds of Chippewa Indians on the White Earth Reservation are forced to live on rabbits caught in ingeniously contrived traps because Government rations furnished them can not possibly be stretched beyond a single week of the month.

This was the statement to-day of Mrs. E. M. Moran, member of the Indian relief committee, an independent organization, who returned to-day from investigation of conditions there.

Miss Elizabeth Chute accompanied Mrs. Moran.

PNEUMONIA PREVALENT

"Tuberculosis and trachoma were found in many places"—Mrs. Moran said—

"and pneumonia seems to be making the most terrible inroads.

"Ravages of these diseases appear to be due to undernourishment and the tragic conditions under which the Indians are compelled to live.

"Practically all the homes were found in good order, in spite of the fact that without soap it was virtually impossible for them to keep bed clothing and other clothing clean.

SOOT COVERS SHACKS

"There was no filth anywhere, but in the single or two room tar-paper shacks in which practically all the families lived, sometimes with two stoves in the room, ashes and soot covered everything in the place.

"In visiting more than 50 families we found only 2 which had any potatoes, practically none that had more than enough flour for a batch of biscuits, and place after place where there was absolutely nothing to eat in the house.

CHILDREN LACK CLOTHES

"Among 600 Indians at Rat Lake we found that none of the 300 or more children were in school. Not only did they have no clothes in which to attend, but there was nothing they could take for a lunch, and with snow driving wolves into the vicinity, it was considered dangerous to send the children on the 2-mile trek to the nearest schoolhouse. A request for a school bus had been denied.

"The Government rations are given to only a few of the helpless Indians, and there is one place on the reservation where the Indians are well taken care of, so that other investigators may visit this place and make the proper reports.

UNEMPLOYMENT CITED

"In spite of the Government statements, we found there was practically no employment to be had even for those adult Indians who were in such health as to be able to accept it. Not any of the Indians that we saw seemed to have had enough to eat to be able to withstand the rigors of an outdoor job.

"In one place at Pine Point we found a mother dying virtually of starvation. In another a baby with an abscessed lung was lying uncared for.

"The most extraordinary thing was that in spite of the poverty and the unclean conditions of the clothing and bedding there was absolutely none of the odor in the homes commonly associated with poverty among white people."

URGE HOME FOR AGED

The Indian relief committee is urging the building of a home for aged Indians and a $100 per capita payment from the tribal funds of the Chippewas to help them through the present winter.

The matter was taken before the Minnesota Legislature yesterday.

This brings the story up to the day when the Commissioner of Indian Affairs yielded and let it be known to the Senate Committee on Indian Affairs that the administration would consent to a $50 per capita payment to the Chippewas and sanctioned the amending of House bill 25 to bring this about. The $50 payment was sanctioned because there was a need for it and because it would not conflict with the "economy program" of President Coolidge. A $100 payment could not be made; such a payment would conflict with the "economy program." The payments will be made from the Indians' own fund.

There was nothing to do but accept the inevitable; accept it with thanks and be glad that it will afford some immediate relief. I therefore support this bill for final passage; had there been any possibility to get a $100 payment for these people I should now have moved to amend the bill to that effect. But out in Minnesota the Chippewas are holding council meetings and protesting that nothing less than a $100 payment will pull them through the winter. These people can not understand why their own money can not be used to alleviate hunger and want within their own ranks. They can not understand that saving the lives of their young and making them fit to go to school can in any way interfere with the President's "program of economy."

In the meantime the good people of the Twin Cities are organizing relief expeditions to go up in the Indian country with food, medicine, and warm clothing for the needy ones. Over the radio appeals are being made for help. This should not have to be done; the Chippewa Indians are proud and self-respecting; they have ample wealth, now held in the hands of the United States Government as their guardians, to make them self-supporting and happy if their affairs will be given the consideration by Congress that it deserves.

I am happy to say, however, that the settlement of the troubles of the Chippewas of Minnesota will be much nearer a solution when this session is over than it has been before. Such an old, experienced national legislator as the gentleman from Oklahoma [Mr. CARTER] said in discussing Chippewa matters on June 4, 1924, that—

they are the most complicated of any Indian affairs in the United States, except those of the Five Civilized Tribes, and those of the Five Civilized Tribes have come nearer to a solution now than those of the Chippewas.

Great progress will have been made in this session toward a settlement of the Chippewa matters when the jurisdictional bill that now is agreed upon between the department and the representatives of the Chippewas is passed that will give the Indians a chance to have all their claims tried out in court.

For this happy turn in Chippewa Indian affairs much credit is due to the special committee of the Senate, headed by Senator HARRELD, that came to Minnesota last summer and investigated the conditions among the Chippewas. Also credit is due the Commissioner of Indian Affairs, Mr. Burke, as well as the attorney of the Chippewas, Mr. Webster Ballinger. The clashes of opinion of Mr. Burke and Mr. Ballinger whipped the jurisdictional bill in shape as it is now reported to the Senate.

In conclusion, I wish to say that while this relief that will come as a blessing will seem to come tardily, let it be remembered that Congress is a big, ponderous, and slow-grinding machine. Only very few bills have passed both Houses so far this session. Practically all legislation is the result of compromise. So is this $50 per capita payment. The department charged with the administration of Indian affairs necessarily looks beyond the present in deciding a question like this one. The larger the payment, the quicker the Chippewa fund would be exhausted. Four more $100 per capita payments would practically exhaust the fund, the department argues, and then what would happen?

In the next session of Congress legislation must be passed that will enable the competent, intelligent Indians of this tribe to have a settlement made under which they can receive their share of the tribal funds, so they can sever their tribal relations and strike out to make their fortunes. Until some such settlement is made, many a young Chippewa will not strike out among strangers and do his best; he will be waiting for his per capita payment. He should receive his legacy all at one time—or assurance that he some time will receive it. Then let him sink or swim. Likewise a different arrangement must be made for the incompetent Indians than now exists. The sad conditions of the last few years among them should not ever occur again; there should be no danger of famine among them and there should be no ravages of disease as now follow starvation and malnutrition among them. There should be no need of relief expeditions being sent in among them as had they been ravaged by war or some other equal calamity.

The chairman of the House Committee on Indians Affairs, Mr. SNYDER, a man with a big, warm heart, has greatly assisted in hastening this per capita payment, for which the Chippewa Indians will be very grateful to him. The factionalism among the Chippewas has been less manifest this year than in former years; much good work was done by some of their leaders last summer in bringing the factions together and trying to harmonize their differences. This is a good sign for the future, but there are yet among them a few that seem to crave, for the kick they get out of it, to keep the pot of discontent boiling. The close of the next Congress should see the sun of happiness and prosperity rise over the Chippewas of Minnesota and see them start on the road to real progress.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11753, with Mr. SNELL in the chair.

The Clerk read as follows:

Regulating immigration: For enforcement of the laws regulating immigration of aliens into the United States, including the contract labor laws; cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including not to exceed $125,000 for personal services in the District of Columbia, together with persons authorized by law to be detailed for duty at Washington, D. C., per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; enforcement of the provisions of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," and acts amendatory thereof and in addition thereto; necessary supplies, including exchange of typewriting machines, alterations and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of aliens into the United States by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expenses of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding the head tax, maintenance bills, and immigration fines upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $5,084,865: *Provided*, That $1,000,000 of this amount shall be available only for coast and land-border patrol: *Provided further*, That the purchase, exchange, use, maintenance, and operation of motor vehicles and allowances for horses, including motor vehicles and horses owned by immigration officers when used on official business required in the enforcement of the immigration and Chinese exclusion laws outside of the District of Columbia, may be contracted for and the cost thereof paid from the appropriation for the enforcement of those laws, under such terms and conditions as the Secretary of Labor may prescribe: *Provided further*, That not more than $100,000 of the sum appropriated herein may be expended in the purchase and maintenance of such motor vehicles, and of such sum of $100,000 not more than $88,000 shall be available for the purchase and maintenance of motor vehicles for coast and land-border patrol.

Mr. HUDSPETH. Mr. Speaker, I offer an amendment, on page 89, line 15, strike out "$1,000,000" and insert in lieu thereof "$1,200,000."

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Page 89, line 15, strike out "$1,000,000" and insert in lieu thereof "$1,200,000."

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee: In offering this amendment, I wish it distinctly understood I am not in any way criticizing either the splendid gentleman from Pennsylvania [Mr. SHREVE], chairman of the committee, or the ranking member of the committee on my side, my friend from Alabama [Mr. OLIVER]; in fact, I want to take this occasion to compliment these two gentlemen upon the thoroughness with which they went into the question of the border patrol. The gentleman from Pennsylvania on a number of occasions, owing to the fact that I represent a portion of the border between the United States and Mexico, has consulted me about matters affecting the border, and has solicited my cooperation and such suggestions as I desired to offer; likewise, the gentleman from Alabama [Mr. OLIVER].

I do not know, gentlemen, whether, I want to state, that this appropriation should be raised to this amount or not, and in offering this amendment I am seeking information. When the general immigration bill passed the House at the last session, I offered an amendment increasing the appropriation to $1,400,000 for the border patrol. This amendment passed the House by an almost unanimous vote, but it seems it was reduced in the Senate to $1,000,000.

I want to state that we who represent the border between this country and Mexico are as much interested in the enforcement of the law against the illegal entrance of aliens as any gentlemen upon this floor. I want to state to my friend, the gentleman from New York [Mr. LAGUARDIA], who has introduced a resolution asking the Secretary of Labor to furnish information as to the number of Mexicans that come across the border illegally—and as I understand, he states many of them go as far north as his State—that the testimony of Mr. Husband before the committee, as the gentleman will find on page 72 of the hearings, shows a greater number of aliens enter this country illegally across the border between this country and Canada, by almost two to one, than enter this country across the border between this country and the Republic of Mexico.

I want to state further to my friend that, of course, it is necessary in certain parts of the South to use the Mexicans as laborers, but the gentleman need not be alarmed, I will state to my friend, that the Mexican will migrate to the frozen North and remain there. He is a tropical bird, if I know his nature. He can not stand a cold climate. [Laughter.]

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. LAGUARDIA. The Commissioner of Immigration appeared before the committee a few days ago and did not deny

the charge that trainloads of immigrants had been imported as far north as Michigan.

Mr. HUDSPETH. How many? He says he has no way of ascertaining, if you will refer to his testimony on page 73 of the hearings.

Mr. LAZARO. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. LAZARO. Does the gentleman from Texas think that we will ever solve the problem of preventing outsiders from coming here illegally until we pass a registration law?

Mr. HUDSPETH. I am not prepared to state. Probably we will have to pass a registration law, but the border patrol, if efficient men are selected, will be a great bar. But I want to state to the gentleman from Alabama——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. The gentleman from Alabama brought out the fact that the illegal immigration, so called, owing to the border patrol, was decreased. In the year 1923 it was about 60,000. This has only been in operation about two months, and yet it was reduced to 10,000 for the year 1924. The decrease was due to the border patrol I helped to establish. The question is whether 200 men can control 2,500 miles of border, patrolling it efficiently night and day, or whether or not we should increase it to the extent where undesirables can absolutely be kept out of the country. That is what I desire and what I think every man down on the border desires.

Mr. BLANTON. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. BLANTON. I am in favor of the gentleman's amendment, because I know that in the gentleman's district he has 400 miles of border between Texas and Mexico.

Mr. HUDSPETH. The gentleman is just 400 miles out of the way.

Mr. BLANTON. It is 800 miles?

Mr. HUDSPETH. Eight hundred miles.

Mr. BLANTON. Then there is that more reason for the amendment.

Mr. HUDSPETH. Certainly; and I want to state that when we increased the appropriation last spring, if the right kind of men had been placed there—and I think the gentleman would agree with me—the patrol would have been much more efficient. What did they do? I discussed the matter with Assistant Secretary of Labor White, a courteous gentleman and diligent official. He knew the character of the men that should be placed down there. But his hands were tied in a great degree by the civil service certifying to him the names of 1,200 railway mail clerks to select his patrol from. Mr. Husband so states. The question was asked Mr. Husband, the efficient Director General of Immigration, how much was appropriated for horses. He said, "Very little"; most of it was for automobiles, when, as a matter of fact, a billy goat can not climb these mountains in many places along the Rio Grande, and you are placing jitneys there for the patrol of the border where you can not reach the river for 30 miles in many instances on account of the cap rocks that stand there 500 and 1,000 feet above the river. Yet you are providing for automobiles for the patrol. Nobody but a Texas ranger has been able to patrol that border successfully, and he does not transport himself on a motor cycle or an automobile. He sails on the hurricane deck of a Spanish broncho.

Mr. CABLE. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. CABLE. Does the gentleman know that the committee has seen fit to increase the amount specified in the Budget by $200,000?

Mr. HUDSPETH. I notice that, and I am making this statement and offering this amendment for the purpose of getting information from the committee as to whether they think it is sufficient.

Mr. CABLE. I was a member of the Immigration Committee and went before the committee to ask them to give full consideration to it.

Mr. HUDSPETH. Yes; and the committee went into the matter very thoroughly, but Mr. Husband says that this last summer we have been able to cut down unlawful entry of aliens by more than 50 per cent on the Mexican border, or words to that effect. But, gentlemen, you will understand that it is simply a question of patroling the border both night and day to effectively keep them out. Now, the cry has been made, "They are coming in through Mexico." That is probably true to some extent, and we want them to come across at the regular ports of entry and pay the head tax of $8 and the visé of $10.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. HUDSPETH. Certainly.

Mr. OLIVER of Alabama. The committee went into the question very fully, and after hearing two very informative statements by representatives of the legislative committee we felt that by increasing the appropriation over that allowed in the Budget by $200,000 we would provide sufficient funds to take care of this matter.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HUDSPETH. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. We felt this increase would provide for the needed additional force on the border, and I feel that if later it is shown, when the new Congress assembles, that we have not given sufficient force, the gentleman will be able to get relief. Certainly, the funds we have provided will provide a considerable addition to the present patrol force.

Mr. HUDSPETH. I trust my friend is correct, but if my friend will revert to the appropriation he will find that the million dollars not only covers the border patrol but the coast and land border patrol. How much of the million dollars is necessary for the coast patrol?

Mr. OLIVER of Alabama. Practically none of it will be expended on the coast, except where it can be done without hurt to the border patrol. We gave some laxity, so that the department might more efficiently use their forces in the field.

Mr. HUDSPETH. I want now to make a suggestion to both the gentleman from Alabama [Mr. OLIVER] and the gentleman from Pennsylvania [Mr. SHREVE] in respect to the personnel of this patrol. Do they think that the Assistant Secretary of Labor should be held down to the selection of these men, where roughriders should be selected, to 1,200 railway mail clerks, who probably could not sit astride a hobbyhorse at a country show?

I would like to have the gentleman from Alabama and the gentleman from Pennsylvania suggest to the Secretary of Labor that it is possible to select men who know that border, who understand it, like the Texas Rangers; but you can not now depend upon the Texas Rangers who have cooperated with this patrol in the past. A district judge in San Antonio has declared the law under which the State rangers were mustered into service unconstitutional. We hope to have that reversed in the Supreme Court. That rough riding, fearless band, therefore, is now estopped from cooperating with these men. Will the gentleman give me his opinion of the proposition of selecting from 1,200 railway mail clerks, who probably never rode a horse in their lives?

Mr. OLIVER of Alabama. I find that we have been thinking alike on this subject. We would be more than glad to cooperate in every way and would be glad to present the matter to the Secretary of Labor. I think that he should select men who are familiar with the border.

Mr. HUDSPETH. That is necessary, if he expects to get efficient service.

Mr. OLIVER of Alabama. The assistant Secretary of Labor explained to us that in view of the limited time they had, they found it necessary to call on the list of eligibles to which the gentleman has referred. I do not believe there is any disposition on the part of the Secretary of Labor not to call on the Texas Rangers.

Mr. HUDSPETH. But he did want to call on the class of men that are inured to and familiar with that section of the country, and he tells me that his hands are tied, because he had to select from this list of 1,200 submitted to him by the Civil Service Commission.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. He stated, further, that if he were left free, in the first instance, he would select men who would enforce this law, and knew how to enforce it, and I know he would—probably he can get some good men from the list certified to him—and whenever you put the right kind of men on that border, men who know the geography and topography of the country, and know every trail that the alien can travel, then you will have this law enforced as this House intended it should be enforced when it passed its stringent immigration law. I certainly trust that my two friends on the committee

will cooperate to the extent of suggesting to the Civil Service Commission the right kind of men down there, men born and raised in that section of the country; and in that connection, I suggest to the gentleman from New York [Mr. LAGUARDIA] that you better put an additional force between here and Canada, because the report shows that 35,000 were questioned or stopped on the border. Further, I think it is a question of economy to adopt my amendment, because Mr. Husband states that while he could not state the exact amount, that large sums were expended in deporting these people. He stated that this very border patrol that we have created had been the means of deporting 6,500 across the Mexican border and about 35,000 across the Canadian border, sending them back to their homes. It costs the Government a great deal of money, but he said he could not estimate the exact amount.

Mr. OLIVER of Alabama. The Committee on Appropriations have been cooperating with the legislative committee about this matter. The legislative committee will, I understand, report within the next few days a deportation bill. That bill may later require an additional appropriation, and we assured the committee that we felt we voiced the sentiment of the entire Committee on Appropriations in saying that they would be more than willing to provide such funds as the passage of the deportation bill might suggest was necessary. That would come later in a deficiency appropriation bill. I am sure the House will vote every dollar necessary to efficiently carry out any law Congress may pass at this session looking to the deportation of aliens unlawfully here.

Mr. HUDSPETH. I am sure that if we follow the wishes of the gentleman from Alabama and the gentleman from Pennsylvania, we will. I shall leave the adoption of this amendment to the House. It is possible that you have sufficient funds. I do not think so. I do not think 200 men can patrol the border of 2,500 miles efficiently and keep out undesirables. [Applause.]

Mr. OLIVER of Alabama. May I state this? If the gentleman will turn to page 95, he will find the committee asked Mr. White a question which sought to elicit full information about this matter. The answer, which appears on page 96, is not altogether responsive to the question, but it appears from the answer that they do not require more than the Budget allowed, yet the committee, after a consultation with Mr. CABLE and Mr. VAILE, of the legislative committee, felt it should be increased $200,000.

Mr. HUDSPETH. I am going to leave the matter, as I have stated, to the committee, trusting that it will cooperate with me and the Secretary of Labor in getting competent men, men who can sit on a horse and shoot straight, if it should become necessary, in order to enforce our law. This patrol not only enforces the immigration law, but cooperates with the custom officials in operating against smugglers of narcotics and the prohibition enforcement officers against bootleggers. Therefore, gentlemen, give us the right kind of men and we will enforce our laws on the Mexican border. [Applause.]

Mr. CABLE. Mr. Chairman, I wish to say that the committee reporting this bill has given full consideration to and cooperation with the Immigration Committee to make effective our border patrol. Now, I would like to give due credit to the members of what I designate as "the immigration court," but better known as the Secretary's board of review.

There is a rule as old as the law itself and always to be respected that every man is entitled to his day in court. Our Federal and State Constitutions preserve to the individual, whether American or alien, full protection of life, liberty, and property. Likewise, the laws and our courts secure to the alien a fair hearing before he can be denied admission or sent out of the country.

Take, for example, the case of James Lawlor, who arrived at Ellis Island in January, 1925. He presented his passport and immigration visa to the inspector. The visa, issued to him by the American consul, assured him that he was within his country's quota. He was given a thorough examination by a United States Public Health Service surgeon and found—let us say—to be afflicted with heart disease—chronic cardiac—which the physician stated might affect his ability to earn a living. Instead of being promptly sent back on board the ship in which he came, he is given a hearing before what is known as a board of special inquiry. There are several of these boards at Ellis Island, as well as at other ports of entry. A board consists of three members and is a permanent part of the Immigration Service. Every alien who on primary inspection does not appear to be clearly and beyond doubt entitled to land is detained at port and given his "day in court," before one of these boards. He is entitled to have a friend or relative present at the hearing.

His case is called before the full board. A friend or relative may be present at the hearing. The medical examiner and the immigrant both testify quite fully as to the character and extent of the disease, as well as its effect upon the immigrant's ability to earn a living. At the conclusion of the hearing the board finds the immigrant, because of the condition of his heart, to be physically defective and likely to become a public charge, and could not, therefore, enter; at the same time advising him that he has a right to appeal his case to the Secretary of Labor. In this appeal he is aided by a representative of one of the nationally known societies having an office on the island, as well as by relatives and an attorney. The entire testimony and record is then sent to Secretary of Labor Davis at Washington for final decision.

Take another case, that of Rafael Lopez, who reached America by crawling through a hole in the big fence that marks the boundary between California and Mexico. He is shortly afterwards arrested and charged with entering the United States without inspection and without a quota immigration visé. Lopez is taken before Immigration Inspector Judson F. Shaw, of the Immigration Service, and there he has his first "day in court" to determine if he could remain or should be sent back home.

He was advised of the charges against him; that he had the right to employ counsel and to introduce witnesses to meet any evidence that the Government might produce against him. He retained an attorney and a full hearing was accorded him. Afterwards the testimony was written out and sent to Washington to Secretary of Labor Davis, whose decision is final. A brief was prepared by his counsel, in which was incorporated objections to the testimony offered by the Government and became a part of the file in the case at Washington.

The cases of James Lawlor and Rafael Lopez both reach the Department of Labor the same day. The attorneys in each case promptly request oral hearing before the "immigration court."

After the World War the people of Europe threatened migration en masse to the United States. Congress promptly acted in an attempt to stem the tide. The 3 per cent restrictive immigration law was passed and extended, and finally the immigration act of 1924 went into effect.

As the number who could lawfully enter was reduced in each succeeding act, the determination of the people of Europe to come to America grew. Prevented from entering at ports by the limited quota, thousands of aliens were smuggled in across the borders or landed on the seacoast. Almost every alien denied admission by boards of special inquiry appealed to the Secretary of Labor. The number of these cases increased by leaps and bounds. Last year there were more than 15,000 appeal cases. The Secretary, under the law, is required to pass upon all the testimony in each case. It was a physical impossibility for him to do this and thus administer justice to each appealing alien.

Let me give you Secretary Davis's own description of the situation at that time:

> With the passage of this restrictive law, there occurred a change in the work of the Secretary of Labor. Appeals from adverse decisions rendered at the ports of entry are made direct to the Secretary of Labor and this 1921 act increased the number of such appeals from a nominal few to about 3,000 a month.
>
> As I have said, I have been myself an alien, and an immigrant, and in every one of these cases which have come before me I have tried to do justice and to show mercy to the immigrant. Facilities at Ellis Island were strained because erected to care for only from five to seven hundred people, at times there were thrust into it as many as three thousand or more. We permitted them to be landed at the island because we felt that they were better off even in these cramped quarters than in the steerage accommodations in some of the ships in which they came.
>
> While these immigrants were detained under these conditions, appeals came to the department, thousands at a time, and there were only two officers here who could, by law, entertain them, the Assistant Secretary of Labor and myself.
>
> Many times I have myself, though anything but a weakling, been on the very edge of breaking down. It was grind, from 6 o'clock one morning until 2 the next, making decisions and signing appeals. At times it was such that the building just seemed to turn around in my brain. At times, too, I could hear the cries of Ellis Island here, and through it all two thoughts have stood out clearly in my mind: First, that I had a country to serve, and, second, that mercy was due to many while justice must be done to both—the country and the immigrant.
>
> At times the situation has been such that the hangman's job was a gentleman's job compared with mine. Nearly all the races of the world were coming in, and the seventh floor of the Department of

Labor has been a regular madhouse; women have fallen prostrate and wept and pleaded that their friends, relatives, or loved ones be permitted to enter. No; it is a much different question we have to contend with here than the handling or admission of merchandise, such as comes through our customs offices. We do not decide upon the admissibility of a bag of salt or coffee or sugar or the amount of duty or tribute which shall be paid as a right to enter this land of ours. We are dealing with human rights, human liberties, human ambitions, human ties, and human love. It is a source of pride to me that in the application of these rigid laws to human situations that I have not become hardened and grown cold toward those who seek to better themselves in a better land. I shall always remember the groans and distressing scenes which have been a part of this administration of immigration laws as long as I live.

A large amount of the work fell upon Mr. E. J. Henning, Assistant Secretary of Labor. The five days before Christmas, 1921, he personally reviewed and decided 1,365 cases.

To cure this situation the Secretary called in Robe Carl White, an able, efficient, and hard-headed Hoosier, and requested him to establish a clearing house of some kind—a centralized body—to handle the thousands of cases which by law must be disposed of. White went to work. The "immigration court," commonly known as the Board of Review, was established January 2, 1922. Men experienced in the immigration law, and who could say "no" for the benefit of America—who would not be swayed by persuasive arguments of highly paid lawyers or by political power of Members of Congress—were inducted into office. White became chairman. The board then consisted of five members. A vast volume of business has been handled, the work increasing from month to month. To-day there are seven members—W. N. Smelser, chairman; J. L. Bixler, F. J. Phillips, T. G. Finucane, G. W. Stilson, Edward Shaughnessy, and W. C. Welch—all efficient, hard-working, and long trained in the service of the Labor Department. The board is under the direct supervision of White, who is now Second Assistant Secretary of Labor.

Daily hearings are held, three members sitting at a time. There is a regularly established courtroom on the seventh floor of the Department of Labor Building at Washington. An elevated platform and bench for the judges, a railing separating those presenting the various cases from the spectators. The alien may appear in person or be represented by welfare organizations or by legal counsel. Often a Senator or a Congressman appears in person or by his secretary before the Board. An opinion is written by a member of the "court" in every case. No longer must the alien wait at Ellis Island or in jail days, weeks, or even months for a hearing and final determination of his case. The docket of the Secretary of Labor has been kept clear. For example, during the months of August and September, 1924, the average was less than two and one-half days per case before final disposition by the Secretary, because of the immigration court. There were as high as 40 hearings per day, and never less than three or four.

The following summary for the month of November, 1924, will show the kind, character, and amount of the work of the immigration court:

Number of cases reviewed and decisions written	2,405
Number of aliens involved	3,222
Number of oral hearings by the board	212
Number of cases in which Senators and Congressmen were interested:	
Senators	85
Congressmen	195
Number of cases in which attorneys were interested	491
Number of cases in which societies, relatives, friends, and interested parties other than Senators, Congressmen, and attorneys were interested	190
Number of cases in which the recommendation of the port was not followed in whole or in part	233
Total number of Ellis Island cases in the above	715
Total number of new appeals from all ports	496
Total number of new appeals, Ellis Island	201
Total number of new warrants from all ports	1,117
Total number of new warrants, Ellis Island	130

The tabulation below gives an idea of the character of the cases coming before the board of review:

Accompanying aliens	11
Actors	53
Alien contract labor	315
Anarchists, communists, I. W. W., etc	13
Assisted aliens	31
Barred zone	13
Children under 16 unaccompanied	24
Crimes involving moral turpitude (burglary, felony, forgery, grand larceny, murder, perjury, robbery, smuggling, etc.)	146
Domestic servants	13
Entered within one year of deportation without permission	43
Excess quota	235
Heart trouble	40
Hernia	15
Idiots, feeble-minded, imbecile, or mentally deficient, etc	12
Illiterates	228
Insane	126
LPC (aliens arriving without funds)	357
Nurses	
Orphans	
Physically defective (deformed, epileptics, nervous affections, paralysis, and senility)	77
Prostitution, immorality, procurer, etc	81
Section 17 (23) (foreign contiguous territory)	97
Student and student laborers	20
Surreptitious entry, stowaways, without inspection, and without passport or immigration visé	995
TB, LCD, and DCD (favus, leprosy, trachoma, venereal diseases, etc.)	51
Visitors	332
Chinese	199
Japanese	17

At 10 o'clock in the morning of January 19 the Lawlor case was called by the chairman of the Board. A Member of Congress arose. Being a good lawyer, his plea was persuasive. He argued fully the facts from the record and the law as applied thereto. Likewise, Lopez was represented by an able lawyer, who devotes a great deal of his time to such cases. The merits were argued with as much dignity and persuasive eloquence as is heard in the Supreme Court of the United States.

Next, John Chinaman's case was called. Every Chinese case coming before the Board is represented by counsel. The claim is usually made that the Chinese is an American citizen, because born in America, and that, although educated in China, he is entitled to readmission; or that he is a merchant or student and that he comes to America as such. In a Chinese case the record usually runs about a thousand pages and so voluminous and so suspicious is some of the evidence that two members of the court—Shaughnessy and Welch—devote their entire time to those cases. These two members always sit with the chairman when a Chinese case is before the court.

The same day, after court adjourned, all three cases were considered. In the Lawlor case the court held that he belonged at home with his mother rather than in the United States with his uncle, where he might likely become a public charge, and so entered their finding. The court held that Lopez was in the United States unlawfully, and further found that he should be deported to Mexico. In every warrant case the alien must have had a fair hearing on the charges on which it is sought to deport him. The facts must disclose the country or port from which he came and to which he is to be deported, and whether at the expense of the steamship company or the United States Government. In the case of John Chinaman the court found that he was neither born in the United States nor of a parent who was an American citizen and that he had failed to prove, as is now required by law in all cases, his right to be admitted. Secretary White reviewed the findings in each case and signed orders as recommended by the members of the court. Thus the immigration court functions, expediting all cases, insuring a fair hearing to the alien and protecting the people of America from the physically, mentally, and morally unfit.

A different procedure appertains to cases of aliens seeking to enter in which a medical question is involved resulting from a certification by the surgeons of the United States Public Health Service that the alien is afflicted with insanity or a mental defect. When excluded by a board of special inquiry in such cases there is no appeal to the Secretary of Labor, but the alien may appeal to a board of medical officers of that service and may introduce before such board one expert medical witness at his own cost and expense. On the other hand, if the alien be certified by the Public Health Service surgeons to be afflicted with tuberculosis in any form, or with a loathsome or dangerous contagious disease and excluded by the board of special inquiry on that ground, its decision is final and there is no right of appeal.

While the law provides that the decision of the Secretary of Labor shall be final, yet the courts have gone still further in preserving to the alien the right to a fair hearing to determine his admission to or deportation from this country. The alien has a right to take his case into court if it involves the interpretation of the immigration or deportation laws, as in such a case the decision of the immigration official is not final. Resort is also made if the alien can prove that his hearing for admission or deportation was manifestly unfair and such as to show a manifest abuse of discretion.

The Supreme Court of the United States has said that the decision of the immigration officials is not final and that he may appeal to the courts if the proceedings be manifestly unfair or if it clearly appear that a fair investigation of his rights were thereby prevented.

Uncle Sam has provided laws and regulations so that every alien is entitled to and does receive a fair hearing on the question of his admission to the United States or for determination whether or not he shall be deported. On all these issues, by law, he is entitled to and does receive his "day in court."

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas to strike out "$1,200,000" and make it "$1,400,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment offered by Mr. HUDSPETH by striking out "$1,200,000" and inserting in lieu thereof "$1,400,000."

Mr. LAGUARDIA. Mr. Chairman, at the suggestion of my colleague, the gentleman from Texas, that the Canadian border requires additional patrolling, as well as the Mexican border, which is justified by the information before the House at this time, I would increase his amendment by $200,000 so that an additional patrol might be placed on the Canadian border. There is a slight difference, I want to call to the attention of the gentleman from Texas, to the illegal importation at the Canadian border and that at the Mexican border. He will find that a great many of the violations by unlawful entry from Canada are individual cases, while the information which was before the Committee on Immigration suggested that the unlawful importation of aliens from Mexico was on a wholesale scale. We had information which was presented at the time. The gentleman from California [Mr. RAKER] I believe, testified before the Committee on Immigration, that carloads of Mexicans with armed guards had been imported into northern States. It is not denied that a large number of Mexicans are working in the sugar-beet fields of Colorado and Utah, and that a great many of them have reached as far north as Michigan. What I want to suggest to the Members of the House is this: As I understood the immigration law recently passed, at the last session, which I consider cruel, causing a great deal of hardship in individual cases, the policy was to protect labor in this country.

Mr. CABLE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In a moment.

The intention was to keep up a decent standard of wages; to permit the wage earners in this country to live up to the American standard of living. Now, gentlemen, if you close the doors to immigration from Europe, as you have done in your last immigration law, and open the door at our border so that greedy exploiters of labor can go down to Mexico and bring up thousands of aliens in violation of the alien contract labor law and permit them to work at a low rate of wages and thus destroy the standard of living that we are trying to establish and maintain, you defeat the very purpose of the immigration law.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HUDSPETH. That can not be done if there is sufficient border patrol. All the evils and abuses that the gentleman describes happened before the day of a sufficient border patrol.

Mr. LAGUARDIA. Correct. I agree with the gentleman from Texas. When the Mexicans come up north and work for employers who do not care for them as well as do the people down on the border, they may want to feed these Mexicans on a diet of cayenne pepper alone and nothing else, and I presume the gentleman does not want to impose such a condition in this country.

Mr. HUDSPETH. In that case the Mexican laborer will go down among his friends, where proper care will be taken of him.

Mr. LAGUARDIA. The gentleman knows how easy it is to send down there and bring up thousands and thousands of these laborers. It has not been denied that they have imported thousands of Mexican laborers in the sugar-beet fields of Utah and Colorado. What I want is to have the department investigate this matter in order to ascertain what these men are doing, where they are working, and what rate of wages is being paid to them. I am not referring to the border region at all, but to these specific cases where large importations of Mexican laborers have been made. I contend that Congress should not be averse to getting full information on that question.

Mr. SHREVE. Mr. Chairman, I usually agree with my friend from Texas [Mr. HUDSPETH] on all matters affecting the southern border. But I must say in this case that I can not agree with him. The committee has made a very careful study and analysis of this situation. We have increased the appropriation for the Bureau of Immigration by $234,000.

Now, border patrol has been in operation only for a few months, but from the reports that we get from the border the work is going on splendidly. We feel that with the $234,000 additional, added to the $800,000, the appropriation will be amply sufficient, and we were unable to find anywhere from any witness who appeared before us any suggestion that more money could be used to advantage.

Here is the situation: It is not so bad in the South along the border, because, as the gentleman from Texas [Mr. HUDSPETH] explained, after crossing the southern boundary and getting 25 miles within the boundary you are still nowhere. One might as well be back in Mexico. European aliens crossing the border would have to go hundreds of miles before they could get to a place where they could take a train. That is the reason why we have been establishing this patrol principally with automobiles, because even after they pass the border they must eventually center at some railway station; they must center at some place in order to get out of the country. We have provided, in my opinion, sufficient funds.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield there?

Mr. SHREVE. Yes.

Mr. HUDSPETH. If the gentleman will refer to page 78, at the bottom, he will see where Mr. Husband made this statement:

The land border situation is being handled very well. I am agreeably impressed with the way it is being handled. I think, as Mr. Henning suggested yesterday, that even with this small patrol force, the work it has done up to this time has been so successful as to give a pretty clear impression to everybody concerned that border running is not an easy matter nor a successful one.

Now it is a small patrol, and yet there are aliens coming into this country illegally. Does not the gentleman think that by increasing it and adding to this service, considering the efficient work that has been already established, my amendment is justified?

Mr. SHREVE. We have already increased it. That estimate was based on $800,000. We are giving the Bureau of Immigration $234,000 more.

Mr. HUDSPETH. That was not the estimate of the Secretary of Labor.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Certainly.

Mr. HUDSON. I would like to ask the gentleman to tell us as a matter of information whether this border patrol has the duty exclusively of preventing the smuggling of aliens?

Mr. SHREVE. Yes. That is the principal business of our patrol. That is their principal business.

Mr. HUDSON. They pay no attention to smuggling in other lines, such as the smuggling of narcotics, and so on?

Mr. SHREVE. The narcotic situation is not the appropriation that we are discussing. This appropriation is made to cover the border patrol to prevent illegal immigration.

Mr. HUDSON. Does not the gentleman believe that Congress in some way or another should consolidate these different services?

Mr. CABLE. Mr. Chairman, will the gentleman yield?

Mr. SHREVE. Yes.

Mr. CABLE. I will say to the gentleman from Michigan that the border patrol that we have established down there is a universal patrol, and they turn over the people they arrest for violating other laws to the respective officials having jurisdiction of those cases.

Mr. HUDSON. That is what I wanted to know.

Mr. SHREVE. Incidentally, they help each other. Let me read what Mr. Husband says. To the question asked by the gentleman from Alabama [Mr. OLIVER]—

To what extent are local authorities cooperating with you and giving information?

The answer was this:

In most instances it is a very hearty and helpful cooperation, and that will increase as our inspectors become acquainted with the peace officers in the sections where they are located.

So they have lots of assistance all the time.

Mr. HUDSON. Mr. Chairman, if the gentleman from Pennsylvania will yield further, we are spending a great deal of money for patrolling the borders in various ways. We enlarged the Coast Guard for the purpose of patrolling the coast line and we have placed boats on the Detroit River. Now, do those border patrols pay attention to all kinds of smuggling or does each patrol operate separately and independently?

Mr. SHREVE. Well, in a general way they keep track of all kinds of violations of the law, but they all have their specific and particular occupations.

Mr. HUDSON. It seems to me there ought to be coordination there.

Mr. LAGUARDIA. If the gentleman will yield, I took up that matter with the Commissioner General of Immigration and suggested a border patrol to take care of all violations of law, but I do not believe they have that authority now.

Mr. SHREVE. Not yet. I will say to the gentleman from Michigan that this is a legislative matter and should be brought before the legislative committee and there disposed of.

Mr. HUDSON. I have reason to believe the President thinks these patrols should be coordinated.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LAGUARDIA] to the amendment offered by the gentleman from Texas [Mr. HUDSPETH].

The amendment was rejected.

The CHAIRMAN. The question now is on the original amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. HUDSPETH) there were—ayes 26, noes 49.

So the amendment was rejected.

The Clerk read as follows:

BUREAU OF NATURALIZATION

Salaries: For the commissioner and other personal services in the District of Columbia, in accordance with the classification act of 1923, $100,000.

Mr. BLANTON. Mr. Chairman, on page 90, in lines 12 and 13, I move to strike out the words "salaries in the District of Columbia."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 90, line 12, strike out the word "salaries," and in line 13 strike out the words "in the District of Columbia."

Mr. BLANTON. Mr. Chairman, concerning salaries in the District of Columbia, the most refreshing thing I have heard since I have been here is the declaration of economy radioed last night to the people, and which we find in the papers this morning, from the President of the United States, who says that the surplus employees of the Government must leave here and go home. I hope that is not idle talk; I hope he means business.

Concerning that, and for his information—I hope it will reach him; I hope it will get by his private secretary and into his sanctum sanctorum and actually reach his own ears—I want to read to him from the House floor what the chairman of the Committee on Appropriations [Mr. MADDEN] said about those self-same surplus employees on April 28, 1924. I read from page 7400 of the CONGRESSIONAL RECORD for April 28, 1924. Mr. MARTIN MADDEN, chairman of the great Appropriations Committee, who then had the floor, said the following:

I think there are 30,000 people here on the Government pay roll who ought not to be here. [Applause.]

That showed that the House agreed with him, because it applauded him. Continuing, Chairman MADDEN further said:

We have been trying to get them off, but we have not been able to get them off. We have passed appropriation bills to pay their way home, but they will not even go home when you offer to pay their way. They want to stay on the Government pay roll.

And so forth. Now, I hope the President, when he causes orders to be issued for these surplus employees to go home and their Senators contend that no such number of surplus employees exists, will send for the chairman of the Committee on Appropriations [Mr. MADDEN] and let him point out to the President every one of these 30,000 surplus employees, and they can take joint steps to send them home. If he does that there will not be so much congestion in Washington, and there will not be the necessity of a Bolshevik rent bill being passed.

The CHAIRMAN. The time of the gentleman from Texas has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. STENGLE. Mr. Chairman, I want to register my commendation and most hearty approval of most of the address delivered by the President over the air last night. The economy features of that address were admirable; the deductions drawn by the President were, in many respects, very accurate, but I must take some exception to the law of averages in regard to the employment of the classified service in the various departments. Those of you who heard that speech will recall that reference was made to what the average salary was 10 or 12 years ago, to wit, in the neighborhood of $1,100, and that in 1924 the average had run up to between $1,700 and $1,800. Then emphasis was laid on the fact that there had been an average increase throughout the service of $600, or thereabouts. Now, to the unsuspecting and to those who have given the subject no particular consideration it would appear that the average employee of the Government has been admirably cared for financially and that he has no right to expect any better treatment. However, the average of $600, referred to by the President, is like unto the Wisconsin rabbit sausage I heard about years ago, which was composed of a little bit of rabbit and a whole lot of horse. Now, the averages referred to are arrived at by adding those receiving an increase of from $2,000 to $3,000 to those who were given an increase of from $20 to $60. In striking the average it would appear that the increase has been $600 or thereabouts, but upon investigation you will find that those in the low end of that average are in a bad position, when the President's address is broadcasted over the country, and I am sure that when the attention of the President is brought to this matter he will be fair enough to let the country know that while there may have been a general average of $600 throughout the service that the major portion of the funds related to that average has gone to the higher ups, and the lower downs have been and are to-day suffering very much. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

General expenses: For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stat. L. vol. 37, p. 736), and May 9, 1918 (Stat. L. vol. 40, pp. 542 to 548, inclusive), including not to exceed $51,440 for personal services in the District of Columbia, in accordance with the classification act of 1923, and for their actual and necessary traveling expenses while absent from their official stations, including street-car fare on official business at official stations, together with per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for such per diem, together with actual necessary traveling expenses of officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia; not to exceed $20,000 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; carrying into effect section 13 of the act of June 29, 1906 (34 Stat. p. 600), as amended by the act approved June 25, 1910 (36 Stat. p. 765), and in accordance with the provisions of the sundry civil act of June 12, 1917, for which purposes $20,000 of this appropriation shall be immediately available; and for mileage and fees to witnesses subpœnaed on behalf of the United States, the expenditures from this appropriation shall be made in the manner and under such regulation as the Secretary of Labor may prescribe; $680,000: *Provided*, That no part of this appropriation shall be available for the compensation of assistants to clerks of United States courts.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment. On page 91, line 22, strike out "$680,000" and insert in lieu thereof "$720,000."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 91, line 22, strike out "$680,000" and insert in lieu thereof "$720,000."

Mr. LAGUARDIA. Mr. Chairman, the appropriation for this item I understand was increased somewhat by the committee over the appropriation allowed last year.

I want to call the attention of the chairman to the condition existing in the Naturalization Bureau of New York City, which includes the courts of Manhattan, Brooklyn, and the Bronx. The department has taken the work away from our State courts and naturalization cases are now being conducted, as I understand, by the Federal courts only with the result that but a small number are able to be called each week for final certificate. We have a deplorable condition both in Brooklyn and in New York and in the Bronx. It takes all the way from 6 months to 9 and 10 months before it is possible

for an applicant to receive the certificate of arrival or to be called for final hearing.

On the one hand, we urge these aliens to become citizens. We have private organizations and State help and municipal help, with schools of instruction to teach these aliens English and civics, and when they do apply and are ready to be received into citizenship the condition of the Bureau of Naturalization in New York, as well as the bureau here in Washington, which must check up their original landing, is such that it takes many, many months before the alien is called.

I want to point out, as the chairman knows, that the fee paid by the applicant is sufficient to cover all expenses so than an additional appropriation here, as I understand, would not entail additional cost to the Treasury.

I understand an additional allowance of some $50,000 was made, and I submit that in order to give some relief to the bureaus in the great city of New York—and I believe the same condition prevails in other large centers—the chairman of the subcommittee should not oppose my amendment.

Mr. CELLER. Mr. Chairman, I rise in support of the amendment of the gentleman from New York [Mr. LAGUARDIA].

I desire to state supplementary to his remarks that the conditions in Brooklyn, where I hail from, are most deplorable with reference to naturalization applications and the granting of final papers.

I had occasion about a month ago to appear in Judge Garvan's court, which is the United States District Court for the Eastern District of New York, the jurisdiction of which comprises Brooklyn, Queens, and Long Island and Staten Island. I asked Judge Garvan how many applications he passed upon, and he told me that he or one of his associate judges are assigned once a week in that district court throughout the year for naturalization, and it was their intention to handle some 200 applications each week, but because of lack of clerical force both in the court and in the Naturalization Bureau, due to lack of appropriations, they have been unable to handle more than 50 per cent of the contemplated amount, on an average, and as a consequence great delays occur in the handling of the petitions and applications.

I am informed through responsible sources that within a period of two years they will be five years behind in the handling of this work in New York City. The increase of applications for certificates of naturalization in Brooklyn alone has been over 20 per cent in the year ending 1924 over the year 1923.

Heretofore we have had the aid of State agencies. The county clerk of Brooklyn, Kings County, and the county clerk of New York County supplemented the work of the naturalization bureaus, but this work was taken out of the control of the county clerks and placed exclusively and entirely within the Bureau of Naturalization; therefore the Government and the Committee on Appropriations should take into consideration the necessity of allowing the county clerks to help in this work and should make additional appropriations, so that the business of naturalization will not be hampered.

The amendment offered by the gentleman from New York [Mr. LAGUARDIA] would take this into consideration and provide for a proper appropriation to take care of this large and increasing volume of business that is now being handled by the Government and would under proper Federal control and supervision permit the State agencies to help in the expedition of granting naturalization papers.

You can well appreciate, my good friends, that if this delay continues in affording proper appropriations, you are going to put immigrants who want to embrace citizenship, who want to become Americanized, at a most serious disadvantage, and the least we can do is to lend a helping hand to those who thus express their willingness to become a part of our body politic by accepting and embracing our citizenship.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CELLER. Gladly.

Mr. LAGUARDIA. The gentleman might remind our colleagues also that the city of New York is spending hundreds of thousands of dollars, and millions of dollars, on night schools to teach these people English and civics.

Mr. CELLER. That is very true. Not only that, but the Government gets something from the immigrant. The immigrant when he applies for his citizenship papers in the first instance must pay a fee, and when he applies for his final papers he must also pay a fee, and the Government probably gets back a goodly portion of the entire expense.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHREVE. Mr. Chairman, just a word. The committee has taken this matter into consideration. We are very familiar with the needs of the situation and have increased the appropriation $50,000 in order to take care of it in the future.

Mr. CABLE. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. CABLE. Is it not a fact that several persons from New York came down here from that city and appeared before the committee on this particular item?

Mr. SHREVE. Yes; the clerks of the courts were here and we have a very full hearing and we understand the situation. We have appropriated amply to take care of it.

Mr. MILLS. Mr. Chairman, I think the appropriation is adequate, but in order to correct any misapprehension that may exist as to the situation in New York City with reference to the work of the county clerks' offices and the Naturalization Bureau, I want to say a few words in order to make the situation entirely clear.

For some years the county clerks of the counties of New York, the Bronx, and Kings handled some of the naturalization petitions, and maintained a force of 37 clerks at an annual cost of some $60,000, paid from the Federal Treasury. It was in a sense a duplication of the work performed by the Federal Bureau of Naturalization. A year ago there were pending some 11,000 petitions for naturalization before the supreme court in New York County, and some 12,000 pending in Kings County, or a total of 23,000 petitions; and it took anywhere from 3 to 18 months for the papers to go through under the system then prevailing.

The Bureau of Naturalization undertook in March, 1924, to do all the work itself and took it away from the offices of the county clerks. But they only employed 6 or 8 clerks, as compared with 37, because there was not an adequate appropriation available. Even so, they reduced the cost of handling each petition from 55 cents a petition to 20 cents a petition. If in the southern district of New York they had been able to put into full effect the system that now prevails in the eastern district, the United States courts alone, without any help from the State courts, would have been able almost to keep up to date, providing the Bureau of Naturalization had been permitted to employ a reasonable number of employees.

Now, it is suggested that if we deprive the county clerks of this patronage—and that is what it amounts to—we can not get the Supreme Court of the State of New York to help in the naturalization work. I should have to have that statement from the judges themselves before I would be willing to accept that as their attitude.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MILLS. I want to complete my statement, I have only five minutes. The work can be done by the Bureau of Naturalization. The $3,000 which the county clerks would be entitled to retain in fees would be ample for employment of one or two clerks necessary to serve as a pipe through which the papers would reach the judges of the supreme court. As a matter of fact—and I say it with all due respect to the committee—I consider it absurd that the Bureau of Naturalization should contribute $60,000 to the clerks of the courts of the State of New York to do the work, particularly when during the eight months that they have functioned the Bureau of Naturalization has demonstrated that it is able to do for 20 cents what the State agency was doing for 55 cents.

So I say, Mr. Chairman, I am quite satisfied that an amendment, other than the one suggested by my colleague from New York, will make it possible to bring the calendars up to date by having the Federal Government perform the Federal duties and functions, and by not turning over those functions to the State agencies, which the record shows have inefficiently and inadequately performed them up to date. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, the committee in preparing this bill gave very full and careful consideration to this matter, and while conflicting statements were made in reference to the cost of this work, yet the committee in its report—and I suggest that the gentleman from New York [Mr. MILLS] read this part of the report—have clearly indicated what, in their judgment, would be a reasonable compensation for this service on the part of county officials. I will later insert as a part of my remarks that part of the committee's report bearing on this question.

As a result of the restrictive immigration law many have been stimulated to file applications for citizenship, and on June 30, 1924, more than 100,000 applications were pending and this number has steadily increased since that time. The committee were unanimous in concluding that it was important to provide the Secretary of Labor with a fund so that he could secure the cooperation of State and county officials at all congested offices and thus speedily dispose of the applications for naturalization.

The facts submitted to our committee made it clear that this could be done at a reasonable cost, and the report of the committee was unanimous in increasing this appropriation $50,000, $20,000 of which is made immediately available. I think the report will make sufficiently clear to the House the wisdom of the committee's action.

I quote from the report, as follows:

The Budget estimate for the Department of Naturalization has been increased by $50,000, $20,000 of which is to be immediately available, making a total appropriation for this service of $780,000 for the fiscal year 1926. This increase is granted in order that the congestion which now obtains at some of the offices can be corrected.

On June 30, 1924, there were about 100,000 petitions waiting to be filed or awaiting final action, and this number has steadily increased. The committee feels that with the increase herein provided the cooperation of State courts can be had on a basis that will prove helpful in the removal of this congestion and without undue expense to the Government. The law provides for such cooperation and the work of the State officials is entirely under the supervision of the Bureau of Naturalization, and any part of this appropriation prudently expended for this purpose will be immediately returned several times over to the Federal Treasury. It is estimated that the cost for preparing declarations and petitions for naturalization represents approximately 25 per cent of the amount received from the petitioners.

Under these circumstances it seems but simple justice that parties entitled to citizenship be given fair consideration and that facilities be provided to insure the prompt handling of their applications.

When the new Congress convenes, if it is found that the amount provided by the committee is insufficient, additional funds can be secured. If the suggestions of the committee are followed, as we feel they will be, there will certainly be no complaint such as the gentleman from New York [Mr. MILLS] seems apprehensive of, that we are providing an expensive method for the handling of naturalization papers. It is simply continuing the old method on a perfectly rational basis.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read to the end of line 10, page 93.

Mr. DEAL. Mr. Chairman, I offer an amendment to strike out the figures "$110,000," in line 4, page 92, and substitute therefor "$90,000," and on line 9, page 92, strike out "$135,000" and insert in lieu thereof "$100,000."

Mr. SHREVE. Mr. Chairman, we have passed those items, and I make the point of order that the gentleman's amendment comes too late.

The CHAIRMAN. The Clerk has read by those items. The amendment comes too late. The point of order is sustained.

The Clerk concluded the reading of the bill.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11753, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SHREVE. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHREVE, a motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL DISABLED SOLDIERS' LEAGUE

The SPEAKER appointed the following committee, under House Resolution 412, to investigate the National Disabled Soldiers' League (Inc.): Mr. FISH, Mr. BOIES, Mr. ALDRICH, Mr. BLACK of Texas, Mr. CONNERY.

MUSCLE SHOALS

Mr. SNELL. Mr. Speaker, I call up House Resolution 414, a privileged report from the Committee on Rules. Pending that I would like to make some arrangement of time with the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. I do not think there will be any difficulty about that.

Mr. SNELL. How much time does the gentleman from Tennessee suggest?

Mr. GARRETT of Tennessee. Mr. Speaker, I suggest two hours.

Mr. SNELL. Mr. Speaker, I suggest that this is an important matter. We want to act after full and free discussion. The gentleman from Tennessee suggests two hours. I ask unanimous consent that the time for discussion on this resolution be limited to two hours, one-half to be controlled by the gentleman from Tennessee and one-half by myself, and that at the end of that time the previous question be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that the debate upon the resolution be limited to two hours, one-half to be controlled by himself and one-half by the gentleman from Tennessee, and that at the end of the two hours the previous question be considered as ordered. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is the gentleman from Tennessee to control the time of those opposed to the resolution?

Mr. SNELL. The gentleman from Tennessee will control the time on that side, and he will yield to those who are opposed and those who favor the resolution, and I expect to do the same on this side.

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, how will the time be divided among those for and against the resolution?

Mr. SNELL. As near as possible, I am willing to divide it evenly.

Mr. HUDDLESTON. I do not know who is for it or who is against it. I think there should be some sort of equality of time.

Mr. GARRETT of Tennessee. I think the gentleman is quite right about that. I favor the resolution; but so far as I am concerned, I may say that it is rather the understanding between the gentleman from New York [Mr. SNELL] and myself that the time we control will be divided as nearly as possible equally between those who favor the resolution and those who are opposed to it.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is not.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 41]

Bloom	Fitzgerald	McNulty	Reid, Ill.
Brand, Ohio	Foster	Magee, Pa.	Roach
Briggs	Fulmer	Mead	Rogers, Mass.
Buckley	Geran	Michaelson	Rogers, N. H.
Burdick	Goldsborough	Miller, Ill.	Rosenbloom
Canfield	Graham	Mooney	Rouse
Carew	Griffin	Morin	Sanders, N. Y.
Casey	Harrison	Morris	Schafer
Clancy	Hoch	Nelson, Wis.	Schall
Clark, Fla.	Johnson, Ky.	Newton, Mo.	Sherwood
Cleary	Johnson, W. Va.	Newton, Minn.	Sullivan
Croll	Keller	O'Brien	Sweet
Crowther	Kent	O'Connell, N. Y.	Swoope
Cummings	Kiess	O'Connor, La	Tague
Curry	Kindred	O'Sullivan	Tinkham
Dallinger	Kunz	Paige	Ward, N. Y.
Dempsey	Langley	Peavey	Ward, N. C.
Dominick	Larsen, Ga.	Perkins	Weller
Doyle	Larson, Minn.	Perlman	Williams, Mich.
Eagan	Logan	Porter	Winter
Edmonds	Lyon	Rainey	Wolff
Evans, Iowa	McFadden	Ransley	Yates
Favrot	McLeod	Reed, W. Va.	Zihlman

The SPEAKER. Three hundred and thirty-eight Members have answered to their names.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. SNELL. Mr. Speaker, I call up House Resolution 414.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 414

Resolved, That the bill H. R. 518, with Senate amendments thereto, be taken from the Speaker's table, the Senate amendments be disagreed

to, a conference be requested with the Senate upon the disagreeing votes of the two Houses, and the managers on the part of the House at said conference be appointed without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, House Resolution 414 simply gives this House an opportunity to decide for itself whether it wants to send the bill H. R. 518, commonly referred to as the Muscle Shoals bill, to conference or refer it back to the committee. There is no other meaning to the resolution as presented by the Rules Committee. The Federal Government has spent in the vicinity of $150,000,000 to $160,000,000 at Muscle Shoals. We have a very valuable property there consisting of hydraulic developments, machinery to generate hydroelectric power, villages, two plants for the manufacture of nitrate, railroads, and quarries. Taking it all together it is a most valuable property and must receive our considerate attention. I am informed that we will be able to deliver electric energy some time before the 1st day of September of the present year. Therefore it is very incumbent upon this House before it adjourns to do something to make final disposition, if it is possible, of this very valuable property, and not allow it to stand idle on account of lack of attention on our part. The element of time, as I look at the proposition, is one of the most important ones before us at this time. If nothing is done during the present session it is my belief that it will be at least a year and perhaps two years more before this House takes any definite stand in regard to the disposition of this property, and that would be very fatal, as I look at the whole proposition, and I think that the Congress would be subject to severe criticism if it does adjourn without trying to do all in its power to make some disposition of this power plant and attendant properties. Now let us look just for a moment at the history of this Muscle Shoals proposition. This whole proposition has been before the Congress as long as I have been here, and I know for the last three or four years we have had a definite proposition in regard to the same. The House Committee on Military Affairs held long hearings. There were volumes of their hearings in regard to Muscle Shoals. Probably every distinguished engineer, business man interested, representatives of the War Department in the country appeared before that committee and gave testimony in regard to it, and after all those hearings there was a very decided difference of opinion among the Committee on Military Affairs. Finally they reported a bill, and the House had ample free discussion on the floor, and it was finally passed, but with still a difference of opinion among Members of the House. This bill went over to the Senate.

The Senate Committee on Agriculture actually reported a new bill. This bill was before the Senate and freely discussed for at least six weeks, and at the end of that time they struck out the enacting clause of the bill reported by the Senate committee, and the result of all of these different considerations is we find that we are now confronted with a third bill. I recite this history to show that there is a very wide difference of opinion among Members as far as this proposition is concerned, and after all this consideration we have not gone very far as far as the details of the bill are concerned. So we find ourselves in this condition at the present time. When the Senate bill was sent over to the House the chairman of the Committee on Military Affairs [Mr. McKENZIE] asked unanimous consent to send the same to conference. That was objected to. Now, there are two propositions or two ways open to the House to proceed in regard to this bill. We can either send the same to conference or return it to the Committee on Military Affairs. I appreciate that if we sent this to conference that the conference committee has practically a wide-open door. They can do practically anything they see fit in regard to this legislation on account of its legislative procedure thus far. But, on the other hand, the remedy remains in the House, because we are not obliged to accept the conference report unless they present something which is definite and along the lines practically marked out for this legislation and which, on the general question, is agreeable to the House. We have our remedy in voting down the conference report. Now, what happens if it goes back to the committee? Certainly there are no new facts to be developed by the committee or before the committee, and as a result the committee will be just as divided in its opinion now as when they presented the original bill to the House, unless they are going to start new hearings; and if they start new hearings, we all know nothing will be done this session. There are no new facts to be developed or brought by the committee to the House; and if it goes back to the committee and they report a new bill, that means we must start practically this whole proposition all over and make the whole round of the circle, the same as we have been running for three or four years in connection with this legislation, and we will wind up just where we are to-day and no progress made. When this bill first came back to the House, without any careful consideration, I at first was of the opinion perhaps it ought to go to the committee.

But after giving it as careful a consideration as possible, after looking at all the conditions confronting us in regard to this very important legislation, after consulting with the Secretaries of War and Commerce, and with men on each side of the aisle who are very much interested in this matter, I am firmly convinced that the only common-sense business thing to do under the present situation, if you want action in this Congress, is to send this bill to conference.

I have decided that in my mind, first, because the element of time is most important here at this time. There are only 31 more legislative days at this session, and if anything is to be done before that time, it must be done in a very few days. If it goes over, it means that with respect to this very important legislation nothing will be done concerning it for a year at least, and it might go two years. The people of the country demand that the Congress shall lay down some definite plan or proposition with regard to the disposition of this very valuable property, and we must do it now and not put it off any longer, and from the further fact that the Committee on Military Affairs can throw no new light on the whole proposition, I see no reason why it should be again tied up in committee for an undetermined period of time. As I look at it, Congress itself has already defined the principal policy to be followed in connection with the disposition of this property. We are committed as far as possible to the idea that this property shall be confined primarily to the manufacture of nitrates for use by the Federal Government in time of war, and of fertilizer in time of peace. The water power must be leased under the terms of the general water power act for a period not longer than 50 years. Furthermore, I am convinced thoroughly that Congress is opposed to the permanent Government operation of this water power.

Thus, with the major problems or policy worked out, it must be for a smaller group of men to work out the details of this most intricate contract. There is no other way to do it.

I know from practical experience that it is absolutely impossible for 500 men to write the kind and the character of a contract that is necessary to be written in connection with the leasing of this Muscle Shoals property for a long period. If this matter was placed before the board of directors of any organization, they would immediately appoint three or four of their members, and those members would get together with the people they are intending to lease this property to and work out the details of this proposition, and then submit it back to the full board for approval.

That is practically what we are doing when we send this bill to conference, and these men must report back to us, and can do nothing without our approval. These men on the conference committee have been considering this legislation for a long time. They are familiar with every detail of it. They know what the policy of Congress is in regard to the general proposition, and the only thing we ask them to do is to work out the details of some contract in order that we may put this property to work.

If this matter goes over for another year—and we will be ready to deliver electric current by the 1st of September—that means an actual loss in the rental value of this property to the extent of some $3,000,000 a year for the primary horsepower, to say nothing about the secondary power.

Furthermore, we will have to wait so much longer to get the results we want from this plant and the benefit that will accrue locally and nationally to industrial and commercial progress as the result of such a large power and nitrate development.

Now, considering all the conditions that confront us from a common sense practical business standpoint, from the standpoint of getting something, there is nothing left for this House to do but send this bill to conference; and if you adopt this rule or this resolution that will be done immediately, and we have done all we can to facilitate this important legislation; and I trust you will agree with me. [Applause.]

Mr. Speaker, how much time have I used?

The SPEAKER pro tempore (Mr. BURTON). Ten minutes. The gentleman from Tennessee [Mr. GARRETT] is recognized.

Mr. GARRETT of Tennessee. Mr. Speaker, if this were a long session of Congress and we had several months in which to deal with this very important—tremendously important—matter, I should favor the policy, under the circumstances which exist, of referring the bill to the standing committee of the House. But as one who tries to be a practical legislator

I must consider the situation with which we are confronted. As has been said by the gentleman from New York [Mr. SNELL], only 31 legislative days remain of this session, and I think it is clear beyond dispute that time is the essence of the problem under the situation which confronts us. And so, therefore, I rise to give my hearty support to the resolution which has been presented by the gentleman from New York to send this bill to conference.

Now, recognizing the fact that the conferees will be at liberty to act in almost any manner they choose, I think it is proper at this time for some of us to indicate something of our feelings concerning this measure and indicate, at least, some of the things that must be in it in order to receive the support of many of us.

The one thing that I desire to emphasize above all others is that this must be a fertilizer and explosives proposition. [Applause.] I wish to get clearly into the minds of the Members the idea that we are not interested in it very vitally as a power proposition. The national defense act, which made provision for the institution of this project, in section 124 thereof, passed in 1916, defined what it should be; and in order that our memories may be refreshed concerning it I shall put part of section 124 in the RECORD:

SEC. 124. Nitrate supply: The President of the United States is hereby authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary, or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

In other words, this great project, the greatest of its kind in all the world, was instituted as an act of national defense, and it constitutes to-day the greatest physical asset of defense which the United States possesses. And, second, in times of peace it was to provide one of the basic elements that enter into fertilizer, that so greatly needed commodity throughout much of the United States. And so, in order to secure the support of many of us, this so-called Underwood measure, which seemed to be the best that we could get out of the Senate at the time, will have to be modified in its fertilizer feature so as to make it sure beyond question that that plant is to be operated as a fertilizer and explosives producer. [Applause.]

It is not power that we are interested in down there; it is the operation of that great plant for the purposes that were defined in the act under which it originated.

Now, so far as I am concerned, with all that made sure, I do not mind saying that I should not be such a stickler for 50 years as the time for leasing the power proposition. I realize that it is going to require some time for experimentation down there, much time, probably, in order to develop the best and most modern processes of nitrate manufacture and of fertilizer production, and with it made absolutely sure that all the power that is necessary will be used there and utilized in the manufacture of this particular commodity, I shall not be disposed to quibble so much over the time for which it shall be leased, of course making it clear that after a period of 60 years, say, the Government shall have the right at any time, upon the institution of the correct proceedings, to recapture.

Now, one other thing that I venture to call attention to that should be done: I think an advisory council should be created. I think it should consist of five members—probably two members of the Cabinet and three members outside—with whom the President can advise and with whom individuals who may be interested in submitting bids upon this proposition can advise. I regard that as highly important to go in the act; of course, perhaps, not so much of a sine qua non as the other proposition.

Either in this bill or in one of the appropriation bills we should certainly make provision for the institution of the work on Dam No. 3. That is essential as a power proposition, and it will be essential to the success of this plant as a fertilizer and explosive producer. Our experiences, growing out of the time when we failed to appropriate for a season to carry on the work upon the present Dam No. 2, should make us prompt to provide at this session of the Congress, either in this bill or in one of the appropriation bills, that while the great organization that is now completing Dam No. 2 is in existence it can immediately begin its work on Dam No. 3. There is no one in this country who knows anything about it, I think, but who realizes that Dam No. 3 is going to be built, and it will be a saving to the Government of anywhere from $4,000,000 to $5,000,000 if we make provision at this session of the Congress so that that organization can go to work at once.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LONGWORTH. Does the gentleman construe that the conference committee has entire latitude in this matter, without limit?

Mr. GARRETT of Tennessee. Practically so, I think. The proposition I am now discussing, I may say, is in the bill; that is, the authority for it is in the bill. I am really talking about an appropriation.

Mr. LONGWORTH. The gentleman thinks that under existing conditions the hands of the conferees are in no way tied at all?

Mr. GARRETT of Tennessee. I think so. As I understand, we are in the situation where the House has passed a bill and the Senate has struck out all of it and inserted a new proposition, and my idea is that when the bill goes to conference the conferees are practically unlimited and can write a new bill.

Mr. HULL of Iowa rose.

The SPEAKER pro tempore. The gentleman from Tennessee has consumed 10 minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I will yield myself two additional minutes in order to yield to the gentleman from Iowa.

Mr. HULL of Iowa. Could the conferees agree to a 100-year lease?

Mr. GARRETT of Tennessee. I think they could.

Mr. BLANTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. The gentleman has expressed some very definite ideas about salutary safeguards that should go in the bill. I agree with them all. But if we send this bill to conference our three conferees, with the Senate conferees, will write the bill for us, and then we will have to vote it either up or down without chance to amend it, whereas if it went to the committee the gentleman himself, and other gentlemen, could appear before that committee and impress their ideas upon the committee, but they will not have that chance to appear before the conferees.

Mr. GARRETT of Tennessee. I think we will; under the circumstances that exist, I think the conferees will be desirous of hearing from Members of the House either formally or informally. And let me say this to the gentleman: The gentleman is a practical man and the gentleman knows what the situation in the Senate was. If this bill should go to the committee, and they should agree upon these amendments, it would have to come back to the House, and it would have to be acted upon by the House; then it would have to go back to the Senate and be acted upon there again, and I fear the delay because, let me say to the gentleman from Texas, there is going to be some 180,000 horsepower ready by the 1st of September, and, under an opinion given by The Adjutant General to the Secretary of War, the Secretary of War is authorized to lease that power, and it is my understanding that it is the purpose of the Secretary of War to make those leases, short-time leases, I understand he says, and mark my prediction: If you ever get that power leased without provision being made for the manufacture of nitrates for explosive and fertilizer purposes it is just going to throw one more block in the way of ever having it made into a fertilizer plant, and for that reason I want it done at this session of the Congress.

Mr. BLANTON. Will the gentleman yield further?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. On account of the anxiety among certain specially interested Members from certain parts of the country to have this matter passed finally before we adjourn, does not the gentleman believe that if the conferees should reject every proposal the gentleman has so wisely suggested, that nevertheless the conferees' report would be voted up and agreed upon and the conferees' action would be passed with every one of these safeguards left out?

Mr. GARRETT of Tennessee. I do not think so.

Mr. BLANTON. I am afraid so.

Mr. GARRETT of Tennessee. I do not think the sentiment of this House will sustain the conferees if they fail to put in the safeguards and assurances mentioned.

Mr. MADDEN. Will the gentleman allow me to make an interruption?

Mr. GARRETT of Tennessee. Yes.

Mr. MADDEN. There is this danger, as I see it, if the matter is not settled now: Dam No. 2 will be completed before the 1st of July, and if there is no adjustment of the proposition by an agreement as to what the law shall be after the 1st of July, naturally the administration will want to dispose of the water power it has for power purposes, because that is the only thing for which it could be disposed of, and if it once gets on the line of power, good night to every future attempt to consider the proposition from a fertilizer standpoint, and the fertilizer standpoint is the only standpoint from which this question should be considered. [Applause.]

Mr. GARRETT of Tennessee. I thank the gentleman for his very valuable contribution.

I reserve the remainder of my time, Mr. Speaker.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. HULL]. [Applause.]

Mr. HULL of Iowa. Mr. Chairman and gentlemen of the House, I am opposed to the adoption of this rule. If it is not adopted I shall immediately move to send this bill back to the Committee on Military Affairs, where it properly belongs.

Mr. BLANTON. That would be automatic. The gentleman would not have to move that.

Mr. HULL of Iowa. Probably so. It does not belong in a conference. It is an outrage on representative government to send a bill in the position that this is to a committee of conference. [Applause.] No tyrant in the world's history ever proposed a more outrageous proposition than this. I listened to the gentlemen who spoke, and they gave you some mighty good excuses for sending it to the Committee on Military Affairs, and, so far as I heard, they gave you very little except trying to excuse sending it to a conference. They say time is the essential thing. If time is the essential thing, why is it that you delayed 10 days?

Mr. BLANTON. Twelve days.

Mr. HULL of Iowa. Yes; for 12 days you have held this measure up. Time was not essential then, but it is essential now that you send it to a conference behind closed doors to star-chamber proceedings and dispose of this great property that belongs to the people of this country. Time is quite essential now. It was not essential 12 days ago.

My friends, I am opposed to this character of procedure in disposing of the most valuable property that this Government owns.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HULL of Iowa. I yield.

Mr. WILLIAMSON. Is it not a fact that these conferees can practically rewrite the bill to suit themselves?

Mr. HULL of Iowa. Why, certainly, and the conferees are not to be the ordinary conferees; they are, so I am told, to be hand-picked conferees. [Applause.]

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. HULL of Iowa. Yes.

Mr. COOPER of Wisconsin. If the two gentlemen who are so apprehensive that this property may be leased in July really believe that, why can not either one of them introduce a joint resolution prohibiting the leasing of the property until we reassemble?

Mr. HULL of Iowa. Certainly they can. That is not the trouble at all. The Secretary has the authority, if he wants to, to lease the property for a year. Time is not the essential thing here. They told you that time was the essential thing when we had the Ford proposition before you. You are $100,000,000 better off because the Ford proposition has been taken out of this matter.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. HULL of Iowa. I want to get along, and I hope there will not be too many interruptions.

Mr. BLANTON. When these three House conferees meet the three Senators in conference, and we are proposing something radically different from what they propose, what will happen, in the judgment of the gentleman?

Mr. HULL of Iowa. I do not know whether there will be some unseen hand that will write the bill or not, but I do know this——

Mr. BLANTON. I think the Senators will write it.

Mr. HULL of Iowa. I do know that if you will send this bill back to the Committee on Military Affairs that committee is practically in agreement to-day, and they can report a bill back to the House in three or four days. They do not want or need any hearings before that committee. Then you, the representatives of the people, will have an opportunity to amend the bill as you see fit, and the gentleman from Tennessee [Mr. GARRETT] will then be given the opportunity to see that the rights of his people are protected. He is voting them away to-day when he votes to send this bill to conference, and he knows it.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. HILL of Maryland. The gentleman says he thinks the members of the Committee on Military Affairs are practically in agreement and will be able to report a bill very promptly.

Mr. HULL of Iowa. I hope so.

Mr. HILL of Maryland. I am very much interested in that statement and I am wondering if the gentleman can intimate on what theory the Military Affairs Committee would agree, because I do not understand that they do agree.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. SNELL. I yield the gentleman an additional five minutes.

Mr. HULL of Iowa. I have not any doubt about the Committee on Military Affairs being able to agree. There might be some disagreement, of course. There was some before.

Mr. HILL of Maryland. The gentleman will remember that the gentleman and I fought the House bill last year.

Mr. HULL of Iowa. Yes; and it only took them two days to get it out of the committee when they wanted to do it. They ran over us with a steam roller.

Mr. HILL of Maryland. Does not the gentleman think that the same steam roller would run over us again?

Mr. HULL of Iowa. May be, but perhaps we would be a part of the steam roller. [Laughter and applause.] I am used to the steam roller and, in any event, we would have a chance in the House and we could turn publicity in on the deal in the House. I plead for the right of this House to amend the bill.

Mr. JACOBSTEIN. Will the gentleman yield for just one question?

Mr. HULL of Iowa. Yes.

Mr. JACOBSTEIN. Is it known who the conferees are going to be?

Mr. HULL of Iowa. Certainly not. I do not know who the conferees are going to be, but this is the reason you should send this bill back to the Committee on Military Affairs: You passed a bill and here is your bill, H. R. 518. This is the bill that it took you seven days to pass through the House, and every man here had the right to amend it. This is your bill as it is to-day. This is all that is left of it, just the number, a period, a comma, and the enacting clause, and yet you are sending it back to conference. [Laughter.]

Every Member of this House knows that in a representative Government such a thing as this was never contemplated. [Applause.] It is a mere technicality and it is only through the use of strong-arm methods that you are permitted here to-day to send to conference this bill. I realize you have the votes and that you will send it to conference, but time will prove to you, as it has in the past, that what I say is right, and that you will make time if you send this to the Military Committee. The potential possibilities that exist at Muscle Shoals stagger the imagination of everybody. The gentleman from Tennessee [Mr. GARRETT] says that fertilizer and the national defense are the first two important things in this matter. I agree with him, and the third is the power, which is a mighty important thing. Just stop and think. On the 1st of July, when this great project is completed, 100,000 horsepower will start to work for the benefit of the people of this country. Do you know what that means? That is the minimum amount. One hundred thousand! That means, translated into coal, that it would take four trains of 20 cars each and 20 tons to the car every day to equal the power that will flow over this dam. Practically over these falls for all time will flow the minimum amount of 1 ton of coal per minute. And when you have completed Dam 3 and the other dams there will be 10 times the amount of power, and that power is in electricity. You can put it on the wire and transmit it into the barns and homes and factories of the Southland. Do you realize the value of that great plant? It is true that it is the first line of defense in the national defense, and it is also true that it is a mighty important thing as a fertilizer proposition.

Gentlemen, you have had this before you for 10 years. Now, here, in the final days, let us not make a mistake. Let us see that what we do is the right thing. Bring that bill in before the House and let the House amend it if it is not right. My appeal is to your common sense in this great matter. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker and gentlemen of the House, the House bill known as the McKenzie bill was an acceptance of the offer of Henry Ford providing for a lease for 100 years of the water power and a sale of the nitrate plants at Muscle Shoals for $5,000,000 on condition that the Ford company should make 40,000 tons of fixed nitrogen each year during the period of the lease and convert it into a complete mixed fertilizer to meet the demands of agriculture. Hearings were held covering a period of three years before the Military Committee of the House and the Agricultural Committee of the Senate and volumes of evidence were printed. Everybody and every interest who desired to be heard were given an opportunity. Many offers besides that of Henry Ford were made and hearings were had on every possible phase of Muscle Shoals; also as to whether there should be private or Government operation. Finally, last March the McKenzie bill was considered in the House and passed by an overwhelming majority, and was sent to the Senate and referred to the Committee on Agriculture, where additional hearings were granted, and everybody who desired to be heard was again given the opportunity. Hearings were continued before that committee until a few days before Congress adjourned without any action being taken by the Senate.

Mr. Ford then, after waiting for more than three years on Congress to act on his offer, got tired of waiting and withdrew his offer. This was a matter of general regret, but no one could blame him. When Congress reconvened the 1st of December last the Senate amendment known as the Underwood bill was offered as a substitute for the McKenzie bill and without being considered by any committee was passed a few days ago and is now on the Speaker's table. The chairman of the Military Committee of the House, Mr. MCKENZIE, asked unanimous consent that it be sent to conference; there was objection, so he then introduced and had referred to the Committee on Rules a resolution which provides for the sending of this Senate bill to conference. Without such a rule it would be referred by the Speaker to the Military Committee of the House. The Committee on Rules has reported favorably on this resolution and it is now before the House for adoption. The Military Committee has held extensive hearings on every possible phase and every feature involved in the Underwood bill, as well as the McKenzie bill; also the Norris Government operation bill. The question of a sale, lease, private operation, and Government operation of Muscle Shoals has been considered and hearings held by the committees of both Houses of Congress almost continuously for more than three years. Muscle Shoals being in my district and near my home, I attended all the hearings, and am sure that no additional information could be obtained by referring the Senate substitute to the Military Committee. The only effect would be to delay and probably prevent final action before adjournment of Congress on March 4. There could be no other reason or motive for such a reference. The importance of a final decision of this question at this session of Congress is of such paramount importance that the President called special attention to it in his last message to Congress, in which he referred to the rate at which the soil was being depleted and the importance of the operation of the Muscle Shoals plants for the purpose of increasing the supply of fertilizer and thereby reducing the price. He also recommended private operation by means of a long-term lease of the property, if such a lease could be obtained; if not, that the Government proceed with the development.

The Senate amendment, known as the Underwood bill, carries out the recommendations of the President and has his approval. It authorizes the President to lease, with proper guaranties for the performance of the terms of the lease, the water power from Dam No. 2, which will be completed July 1 of this year, and the nitrate plants for 50 years. The lessee being required to pay at least 4 per cent per annum on the cost of the dam and hydroelectric equipment, and as much more as the President can get, and also be required to make at least 40,000 tons per annum of fixed nitrogen during the period of the lease, the same as provided in the Ford offer, and convert it into a complete mixed fertilizer according to demands of the farmers, which would amount to 2,500,000 tons of the ordinary fertilizer. Besides, lessee would have to spend millions of dollars in additions to the nitrate plants in order to make fertilizer. Influences in the Senate, no doubt, opposed to a lease and private operation, caused to be adopted an amendment authorizing the lessee or the Government to cancel the lease at the expiration of six years if the business was not profitable. This amendment, in my opinion, should be eliminated in conference. The lessee could make it unprofitable, and in that way avoid his lease. Another amendment was injected into the Underwood bill providing for separate leases of the water power and the nitrate plants. The original Underwood bill contemplated one lease. I believe that the water power and nitrate plants should be included in one lease, so that it may be sure that the fertilizer feature will not suffer from an improper use of the water power, and that this development may be for all time used as intended for national defense and fertilizer. The nitrate plants and Dam No. 2 are all a part of and together constitute one plant built by an Executive order of the President under authority of section 124 of the national defense act. Hence it should all be included in one lease and operation. I prefer private operation over Government operation. I want to see a lease made and want the business of the lessee to be a success. The power part might be profitable and the fertilizer part alone unprofitable, but the two together might be a success. So to safeguard the success of the fertilizer part and make it a success there should be one lease.

Some other features of the Senate amendment should be modified by the conferees so as to carry out the spirit and purpose of the bill. I am willing to trust the President to make a proper lease, such as is provided in the Senate amendment, when perfected in conference [applause], and the American people are willing to trust him. [Applause.] In the event the President can not make a lease by the 1st of September, 1925, the Senate amendment provides for the organization of a Government corporation to take over and operate the Muscle Shoals development. It further provides for a discontinuance of Government operation at the end of eight years if its net earnings are not sufficient to meet the interest on bonds issued by the corporation to raise funds for working capital, and which is authorized in the Senate amendment. Dam No. 2 will be completed by the 1st of next July. The nitrate plants have been standing idle since the war ended. The Senate amendment has the indorsement of the farmers and farm organizations of the country. The President is given until the 1st of September, 1925, to make the lease. Some one has suggested that that is not sufficient time. Every chemical fertilizer and power interest and other persons who would likely be interested in making such a lease have been considering and studying Muscle Shoals from every angle for at least three or four years, and are now in possession of all the facts they would need in submitting an offer to lease. There are many persons in the service of the Government and out of the service who are experts and are familiar with every feature that would be involved in such a lease whom the President could call to his assistance. So it would seem that the six months provided for in the bill would be ample time. However, this is a matter which can be considered by the conferees.

The power from Dam No. 2 will be available the 1st of next July and should net the Government something like $2,000,000 a year if this bill is enacted into law and a lease is made. Some one will say that the Secretary of War could lease it temporarily without further authority. However that may be, it should not be done. The Government could get a much greater rental for a long-time permanent lease than a short one. If a temporary lease is made the lessee would no doubt be some water-power company opposed to the operation of the nitrate plants for the manufacture of fertilizer and would get its clutches upon this water power and install its transmission lines and make it difficult, if not impossible, to bring about in the future an operation of the plants for the manufacture of fertilizer as is provided for in the Senate amendment. The fertilizer trust and water-power monopoly, with their powerful lobby which has been around the Capitol for the past four years, and is still here, tried to prevent the passage of the Ford bill by the House, but failed after a two years' contest. The same interest and lobby aided in killing the Ford bill by preventing it from coming to a vote in the Senate at the last session of Congress. They have tried from the day the Underwood bill was introduced to defeat its passage by the Senate, but failed. Mr. John I. Tierney, assistant to the president of the National Fertilizer Association, sent out to its members from their headquarters in Washington, December 13, 1924, Bulletin No. 146, in which it is stated—

> With the support of the administration influence behind him, Senator UNDERWOOD is driving through his Muscle Shoals bill, and at present writing it looks as though he will command a majority when final vote is taken in the Senate. The bill as it stands is little, if any, improvement over the Ford bill, and so far as the fertilizer industry is concerned it is fully as objectionable. It is suggested that southern members especially wire their Senators to protest against this menace to the fertilizer industry.

This association would like for these nitrate plants to continue to stand idle and rust out in order that the Fertilizer Trust and monopoly may not be interfered with. This same interest undertook to have this whole subject referred to a commission to investigate and recommend to Congress what Congress should do with Muscle Shoals. This, of course, would have meant nothing but delay and defeat of this legislation. This is the same interest that was invited at the beginning of this administration to submit offers for the Muscle Shoals development and replied that they were not interested and advised against the expenditure of any more money or any further development at Muscle Shoals. Work was then discontinued for one year for the want of funds. In the meantime Henry Ford submitted his offer and immediately thereafter the fertilizer and water-power interests changed their views overnight, and one of their principal objections then made to the Ford offer was that he had not offered enough. Another was that he could not make fertilizer at Muscle Shoals, and in the event he could, he would not make enough to amount to anything. If that were true, we wondered why they were interested in opposing his offer. As the hearings on this subject proceeded before the committees of Congress it was clearly proved and demonstrated by fertilizer experts, both favoring and opposing the Ford offer, that with cheap water power at Muscle Shoals taking the nitrogen from the air by fixation of atmospheric nitrogen, phosphate from mines near by with inexhaustible quantities, coal, limestone, and all other raw materials in close proximity to Muscle Shoals, that fertilizer could be made there from one-third to one-half cheaper than existing prices. It was also conceded that the price of fertilizer made at Muscle Shoals would control the price of all fertilizer used by the farmers. This would amount to a saving of at least $175,000,000 annually to the farmers of the United States.

Stocks in the Chilean nitrate industry went up immediately when Ford withdrew his offer, as shown by the following article from the Wall Street Journal:

CHILEAN NITRATE OUTLOOK—FORD'S WITHDRAWAL OF MUSCLE SHOALS OFFER RESULTS IN BOOM TO CHILEAN INDUSTRY

SANTIAGO, CHILE.—Henry Ford's withdrawal of his offer to take over the Muscle Shoals project has resulted in a considerable boom in the Chilean nitrate industry. Chile is the greatest nitrate producer in the world, and the United States is her principal customer. With Ford in control of Muscle Shoals on an announced program of making vast quantities of nitrate from the air, Chilean producers saw ruin ahead of them. Nitrate shares in London rose from two to three points as soon as news of withdrawal of the Ford offer was received.—(From the Wall Street Journal, October 22, 1924.)

So it seems that the prospect of the operation of Muscle Shoals by Henry Ford for the manufacture of fertilizer had a very depressing effect upon the Chilean nitrate industry and they very naturally rejoiced when the Ford offer was withdrawn. [Applause.]

Now, their last chance to prevent the will of the majority of both Houses of Congress from being enacted into law before this session ends March 4 is to refer the Senate amendment to the Military Committee for further hearings and rehash all that has been heretofore stated before the committee amounting to volumes.

It is vitally important for many reasons that this bill be sent to conference without further delay in order that it may be perfected and agreed upon and enacted into law before the 4th of March. If not, it will have to be gone over and rehashed and worked over by the next Congress. It has already been before Congress too long and should not take up the time of the next Congress. The Senate amendment, which is a substitute for the Ford bill, dedicates the nitrate plants at Muscle Shoals and Dam No. 2 to the manufacture of fertilizer in times of peace and the manufacture of explosives in time of war, in accordance with the national defense act approved on the 6th day of June, 1916, which authorized this development.

One of the efforts of the water-power interests and their lobby has been to try to induce Congress to abandon the purpose of the Government to use it in this way, and convert it into a great superpower system, but both Houses of Congress have decided otherwise.

I would call the attention of my Democratic colleagues, especially from the South, that we have a Republican President from New England, who in his recent address to Congress recommended and urged that this great development, located in the center of the Southland, be not only completed, but that it be operated for the manufacture of fertilizer for the benefit of agriculture. The Senate amendment carries out his recommendations. So it seems to me that every Representative, especially from the South and other agricultural districts, which require and use fertilizer, should give this measure his hearty and unanimous support. [Applause.] Of course, the advantages accruing to agriculture would enure to every class of the American people.

The operation of the plants under the provisions of the Senate amendment would produce at least 2,500,000 tons of fertilizer per annum, thereby increasing the supply and reducing the price, inuring to the benefit of the farmers not only of the South but every other section of the country.

This water-power Dam No. 2 was built to generate power with which to operate the nitrate plant for the manufacture of war material and fertilizer. It is not a water-power development in the ordinary sense of the word for industrial and commercial purposes.

The Senate amendment authorizes the construction by the President of the other power dam, No. 3, at Muscle Shoals, as did the McKenzie bill and the Norris bill, but does not undertake to make any disposition at this time of the power to be created by this dam. However, the construction of this dam will complete the development of all the water power at Muscle Shoals, adds primary power to Dam No. 2, and removes all obstructions to navigation on the Muscle Shoals section of the Tennessee River. The Government will have no difficulty in disposing of the power from this dam for industrial purposes at a price that will give the Government a good return on the investment.

The original Underwood amendment (section 4) limited the profit on the fertilizer manufactured either by the Government or lessee at 8 per cent of the fair annual cost of production, this being the same provision that was in the Ford bill. This feature of the original Senate amendment was amended so as to limit the profit on the fertilizer to 1 per cent on the cost of production. While the fertilizer should be sold at a fair and reasonable price, so as to enable the farmers to secure a good grade of fertilizer at a reasonable price, still the price or amount of profit fixed in this bill should not be such as to prevent the President from making a lease and preventing private operation, nor at such a rate as would make operation by the Government impossible in the event of such operation on failure to make a lease. This can and should also be worked out by the conferees.

However, the Senate amendment requires the surplus power from Dam No. 2, not required under the terms of the amendment for the manufacture of nitrates for fertilizer, shall be sold for distribution. The rates charged for same are to be regulated by the public utilities commission of the State in which it is sold, and in the event there is no such State public utilities commission then by the Federal Power Commission. And in the event unreasonable, discriminatory, and unjust rates are fixed the same shall be regulated by the Federal Power Commission where rates and charges of payment constitute interstate commerce.

The farmers have grown tired, impatient, and somewhat disgusted, and do not understand why Congress can not settle this question and put the plants into operation for the manufacture of fertilizer.

I do not know to whom the President will make a lease. No American citizen or American owned and controlled company or corporation is barred under the provisions of the Senate amendment. Personally, I would like to see it leased to Henry Ford, for I believe that he and his company would utilize this property to a greater advantage to the American people at large, and especially the farmers, than anyone else to whom it could be leased. We expect to make an effort to get Mr. Ford interested again in Muscle Shoals when this bill is enacted into law and negotiate with the President for a lease. [Applause.]

Mr. SNELL. Mr. Speaker, I yield four minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Speaker, were it not for the fact that I took an entirely different position of this Muscle Shoals matter from the position taken by the chairman of the Committee on Military Affairs, Mr. MCKENZIE, and by some of those gentlemen who to-day are urging the passage of the rule, I should not take up the time of the House on this question. I was one of those on the Military Affairs Committee opposing the Ford offer, who were afterwards in the House steam-rollered. We were not steam-rollered in the committee, but after seven days' fight against the so-called Ford proposition we were absolutely wiped out, although the Ford proposition now seems to have shared the same fate in the Senate, so that our labors were not in vain. I do not feel any apprehension in voting for this rule for fear that this House will

ever pass any measure reported by any conference committee that does not have in mind the essentials of fertilizer in time of peace and nitrates in time of war. I agree entirely with what the gentleman from Tennessee [Mr. GARRETT] said on that subject.

I do not think there is any use of sending this bill back to the committee. You send it back to the committee and you open up the chance for new hearings on questions which have been exhausted, as everybody who had anything to say on this subject has repeated it dozens and dozens of times, and the time has come when some final disposition should be made.

On the conference committee from the House naturally there would be the chairman of the Committee on Military Affairs, the ranking Republican Member, and the ranking Democratic Member. The chairman of the committee on the floor of the House operated the steam roller when the bill was passed. The now ranking Member, the gentleman from Pennsylvania, Mr. MORIN, who would also be on the conference committee in the event you send it to conference, was in charge of the fight against the Ford offer and the position taken by the chairman of the committee, and I stood with Mr. MORIN, so that if we send it to conference you will have the two points of view adequately represented. Mr. QUIN'S views are known to all of you. He undoubtedly would oppose any measure which did not provide adequately for the production of fertilizer in time of peace and nitrates in time of war. I think the time has come when this matter should be finally disposed of, and the only reason I speak on this rule is that I think on the general proposition as advocated by those who favor the rule we should send this to conference and get the matter settled in the interest of the national defense and fertilizer. [Applause.] I yield back the remainder of my time.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, the time at my disposal will not permit me to do more than merely to outline my position.

The McKenzie bill, the House bill, dealt only with the Ford offer for Muscle Shoals. The Ford offer having been withdrawn, the House bill, for all practical purposes, stands disposed of and will not be considered by the conferees. This will leave the conferees to consider only the Senate bill—the Underwood bill. For this reason, I believe that to send the bill to conference will result in the adoption of the Senate bill with only unimportant amendments.

I feel that the Senate bill does not sufficiently safeguard the production of nitrates for fertilizer, and that under it probably no nitrates at all will be produced. It is quite unlikely that any nitrates will be produced at a cost which would result in cheapening the price of fertilizer. As far as nitrates are concerned the bill is "a snare and a delusion."

I also feel that the adoption of the Senate bill will mean the delivery of Muscle Shoals to some branch of the Power Trust or to an affiliated interest, and that development under it will be carried on only to the extent that is forced by law, and that such development will be carried on in such manner as to avoid competition with the great power and fertilizer interests.

On the other hand, to recommit the bill to the committee may result in comprehensive amendments which will insure the production of cheap nitrates and the fullest development of Muscle Shoals in competition with the power and fertilizer interests.

Holding to these views, I am compelled to vote against the proposal to send the bill to conference, as the defeat of that proposal will result in sending the Senate bill to the Committee on Military Affairs for consideration.

Let me say to you in all frankness that if the alternative were presented of taking the Senate bill or leaving the disposition of Muscle Shoals over until the next Congress, I would without hesitation say that I would leave it to the future to decide. [Applause.] I do not want to appear extreme, gentlemen, but let me say that I know something of power conditions as they are in Alabama to-day, and I would rather the Tennessee River should roll on unharnessed for the next 50 years than for Muscle Shoals to be turned over to a power corporation which would use it so that it would not benefit the people but merely add to its strength and capacity for evil and as a means of further oppression and exploitation. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, did the gentleman from Ohio exhaust his time?

The SPEAKER pro tempore. The gentleman from Tennessee has 22 minutes remaining.

Mr. SNELL. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER pro tempore. The gentleman from New York is recognized for 10 minutes.

Mr. LAGUARDIA. Mr. Speaker, as I understand the purpose of a conference, it is to harmonize slight variations in like bills passed by the two Houses of Congress. In this instance you have two distinct, separate bills, and in the present situation the difference between the House and the Senate bills is beyond the scope of a conference.

Now let us be perfectly frank about this matter. What certain gentlemen in support of the proposal to send this bill to conference are seeking to do is simply to avoid the test on the question whether we shall have private operation or Government operation. Muscle Shoals is equal to if it does not surpass in magnitude and importance the Panama Canal, and our predecessors did not hesitate a moment in turning the canal over to Government operation.

Ah, gentlemen, you can use this plant to its utmost capacity for the manufacture of fertilizer and still you will have the greatest power plant in the whole world. And that is the reason for the maneuvering, the legislative tactics, and the strategy that is being displayed to send it to a conference of six men when we are hopelessly divided between the House and the Senate.

The gentleman from Tennessee [Mr. GARRETT], the distinguished leader of the minority, has four important amendments: One to guarantee the maximum amount of fertilizer; second, the duration of the lease; third, the creation of an advisory board; and fourth, the completion of Dam No. 3.

Mr. GARRETT of Tennessee. I will say to the gentleman that the latter is in the bill.

Mr. LAGUARDIA. That makes three very important, vital amendments; and yet the gentleman from Tennessee urges us to send the bill to conference.

Why, when the bill was before us before, we had one specific proposition, with a definite lessee to consider, and the personality of the lessee overshadowed the whole question, and the House passed the bill and sent it over to the Senate. The Senate at three different stages in the consideration of the bill changed its attitude, and finally the present bill comes to us. Unlike the gentleman from Alabama [Mr. HUDDLESTON], who says he does not want to appear as extreme on this matter, I am extreme on this matter. That is, I have definite and fixed views on the subject of the conservation of our natural resources and their utilization for the benefit and equal enjoyment of all of the people.

I say that the policy of the control of water power must be sooner or later decided by Congress. The quicker we decide to take God's gift to the people of America and operate it for the enjoyment of all of the people instead of for the profit of a private corporation, the better it will be for the people of this country. [Applause.] I do not want to hesitate. I am ready to go on record for the Government operation of Muscle Shoals to-day.

Mr. ALLGOOD. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ALLGOOD. Does the gentleman represent an agricultural district?

Mr. LAGUARDIA. No; but I represent a district that is dependent upon agricultural districts, and the question of food is just as important to us as it is to your district, I will say to my colleague.

Mr. ALLGOOD. Are not the gentleman's people continually complaining about the high prices of food?

Mr. LAGUARDIA. Yes, they are; but if we want to benefit the agricultural districts of this country we should operate this great plant, the greatest of its kind in the whole world; we should let the Government of the United States operate it and not a private company.

Mr. ALLGOOD. Then why is the gentleman continually standing between his people and that relief?

Mr. LAGUARDIA. I will say to the gentleman that I am not in favor of turning this over to any favored, already selected lessee, because if that is done it is not going to benefit your people or my people.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. I was wondering whether the gentleman from New York is in favor of fixing the price of farm products and foodstuffs the same as he is housing prices?

Mr. LAGUARDIA. Well, I am willing to so legislate as to give the farmers of this country as well as the consumers of this country some benefit out of this great natural water-power project.

Mr. BLANTON. But a little on the inside to the consumers?

Mr. LAGUARDIA. I am willing to give the benefit to the farmers.

Mr. RATHBONE. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RATHBONE. Taking into consideration the freight rates we now have, is the gentleman able to inform us within what radius of miles from Muscle Shoals any fertilizer there produced could be bought by farmers and used?

Mr. LAGUARDIA. Oh, I suppose they are going to manufacture it in tabloid form and send it by parcel post. [Laughter.]

Mr. RATHBONE. May I ask the gentleman within what radius of miles, in his judgment, would this be a practical proposition as a fertilizer producer and used by the farmers of the country as such?

Mr. LAGUARDIA. The gentleman from New York is more concerned at this moment as to what radius of miles from the National Capital is the lessee that is to take this proposition and is ready to take it up as the matter is now before the House. The details of the operation of the plant are not before the House at this time, but the proposition is whether you are going to take the greatest water-power project in the whole world and after this country has spent millions of dollars upon it turn it over to private operation?

Mr. BANKHEAD. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BANKHEAD. In order that we may clearly understand the gentleman's position, I understand he is in favor of the use of this plant for the manufacture of fertilizer?

Mr. LAGUARDIA. Yes.

Mr. BANKHEAD. But that the gentleman is distinctly opposed to the private operation of that plant under any circumstances and favors Government operation.

Mr. LAGUARDIA. Absolutely, unequivocally, and definitely at all times. I base that upon our country's experience with natural resources and the manner they have been exploited for private profit. Gentlemen, the question of conservation and control of water power is fundamental, and it is squarely before us. We shall have to solve it. The sending of this bill to conference will no more solve that problem than the repeal of the Missouri compromise solved the slavery question. The manner in which this important bill is being treated forces the comparison. We have got to face the question and decide it real soon. Why not now? If you give away this gift of God; if you hand over this great undertaking down at Muscle Shoals to a private lessee—and it has already been suggested 50 years is not long enough—once you turn it over you will never get it back. I dread to contemplate the condition of this plant in case of an emergency and the Government of the United States would require it for the manufacture of explosives. It is admitted that in case of an emergency the Government is to take it over on five days' notice. You concede you will not trust this great explosive plant in the hands of a private operator in the event of an emergency, yet you are willing to turn it over for 50 years or more, as has already been suggested, and run the risk of taking it over in the hour of need, when it may be entirely dismantled or disarranged for the very purpose you seek to conserve it.

I fail to see how six men would be able to bring out a bill that will be at all satisfactory and contain all the safeguards it should contain, because, as the gentleman from Texas [Mr. BLANTON] has pointed out, when the conferees report we shall have to either accept or reject their recommendation. I can only see a sacrifice of the people's right or indefinite delay by the procedure here proposed. The distinguished chairman of the Rules Committee said that if this were a corporation it would turn the matter over to its board of directors. That is true, but if a board of directors of any corporation intended disposing of corporate rights or property, the board of directors, under the laws of every State in the Union, would not have such power; they would have to submit such a proposition to the stockholders. Here we delegate our rights, duties, and obligations to a conference of three members.

Mr. SNELL. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SNELL. Can any action be taken without submitting it to the House for its approval?

Mr. LAGUARDIA. Of course not.

Mr. SNELL. And that is submitting it back to the board of directors, just exactly as I suggested.

Mr. LAGUARDIA. But the gentleman knows the practical situation?

Mr. SNELL. I think I do.

Mr. LAGUARDIA. I am sure the gentleman does and there is no doubt about it, because he is steering it into conference. But when the conference report comes back we shall either have to vote for it or reject it, and then at the last moment we shall have an appeal made for the poor farmers again; we shall be told to vote for it and we shall be told that unless we do vote for it we are not going to help the farmers. Then the conference report will be adopted and a permanent irreparable injury inflicted on the people of our country. In a few years to come we shall be ashamed of our action. If this project goes to private operation what we say here to-day will soon be forgotten, but Muscle Shoals will be a monument to the lack of vision on the part of the Sixty-eighth Congress. [Applause.] In closing permit me to say that I can understand the anxiety of my colleagues coming from the locality in which this plant is located. If I for a moment thought private operation would produce the amount, quantity, and quality of fertilizer at as reasonable price as is anticipated, I would not for a moment delay the proposition, but just as sure as I am standing here I am convinced that private operation will result in nothing but a delusion for the farmers of this country who have been fooled so many times. Private operation will mean the absolute control of the industry, the commerce, yes, the finance, and the very lives of the people of that region of the South. Gentlemen, 10 years is not a long time. In 10 years from now if this plant falls into the hands of some power company or allied interests or any individual, let us then compare what has been said on the floor of this House to-day and when the House bill was under consideration. I repeat, I stand unequivocally for the conservation of our natural resources, for the absolute control and operation of every bit of water power that God in his generosity to America has given for the enjoyment of our people.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HILL].

Mr. HILL of Alabama. Mr. Speaker and gentlemen of the House, I concur in the spirit and intent of the remarks of my distinguished leader, the gentleman from Tennessee. I regret to find myself in disagreement with my able colleague from Alabama. He has denounced the Underwood bill; but let me say to you, gentlemen, that we are not considering the Underwood bill; we are not sitting in judgment on that bill; we are merely passing upon the proposition as to whether we shall send that bill to conference or whether we shall send it to committee. The gentleman from Alabama denounces that bill and then rather proceeds to presume that the conference committee, if that bill is sent to conference, will report that bill in its present form. I indulge in no such presumption. I know that if that bill goes to conference the conferees will have before them the act which provided for the building and the establishment of the great project at Muscle Shoals. That act laid out the intent of Congress, namely, the use of the great project for national defense and for the manufacture of fertilizer, and that intent has not been changed.

I know, too, that these conferees will have before them the intent of this House as embodied last year in the McKenzie bill, the bill for the acceptance of the Ford offer, and I know that that bill embodied the great proposition of keeping the project at Muscle Shoals for national defense and for the manufacture of fertilizer; and I know further that the distinguished leader on the Democratic side of the House has in very diplomatic terms told the conferees—and in telling them I believe he has spoken for the overwhelming majority of the Democratic membership—that if these conferees bring back a report that does not embody the national defense and the fertilizer guaranty that certainly, so far as the majority on the Democratic side of the House is concerned, that conference report will be voted down. [Applause.]

Gentlemen, we are face to face with a practical proposition. We are not indulging in theories but we are dealing with a practical situation. My distinguished colleague from Alabama would send this bill to committee, and that would mean no action on Muscle Shoals so far as this Congress is concerned.

Mr. BANKHEAD. And the gentleman from Alabama, I understand, is a member of that committee.

Mr. HILL of Alabama. I am, sir, a member of that committee.

What I would do would be to send this bill to conference, in an earnest, honest effort to get a bill out of that conference that embodies the fundamental principles we desire, and then if that conference report does not embody the great principles of national defense and the manufacture of fertilizer this

House can and should vote the conference report down. [Applause.]

Send the bill to the committee and we have nothing before us; all is lost, all is gone. Send it to conference and at least we have the hope—yea, more, we have the expectation—that this Congress may settle this great problem. [Applause.]

I believe it is the duty of this Congress, if it be possible, to settle this great problem of Muscle Shoals before it adjourns on March 4. For five years this question has been pending in Congress. For five years the farmers of the country have been looking to Congress to give them, through the proper disposition of Muscle Shoals, relief from the oppressive cost of their fertilizer. For five years the people of the country have waited for Congress to make sure this mighty project as a great powderhorn for the defense of the Nation. Just five years ago there was introduced into Congress the first bill providing for the disposition of Muscle Shoals. This bill was known as the Wadsworth-Kahn bill. It passed the Senate in May, 1920, but failed of enactment when Congress adjourned on March 4, 1921, without the House having considered it. On April 2, 1921, Gen. Lansing H. Beach, Chief of Engineers, asked for bids for the lease or sale of Muscle Shoals. On July 8, 1921, Mr. Henry Ford made his now famous offer.

This offer was followed from time to time by other offers, such as the Parson's offer, the Alabama Power Co. offer, the Hooker-White-Atterbury offer, the Union Carbide offer. On March 25, 1922, a joint committee of the Senate and House made a visit to Muscle Shoals to personally investigate the plants, dam, shops, and property there. On June 9, 1922, the Military Affairs Committee of the House reported to the House the McKenzie bill, providing, in substance, the acceptance of the Ford offer. This bill died on March 4, 1923, when the Congress adjourned without the House ever having considered the bill. The McKenzie bill was reintroduced in the present Congress when it convened on December 4, 1923, was favorably reported by the Military Affairs Committee of the House, and passed the House on March 10, 1924. This bill authorized and directed the Secretary of War to accept the Ford offer. It went forthwith to the Senate, but failed to receive the consideration of that body before the adjournment of Congress on June 7 last. As we well know, last October Mr. Ford recalled his offer and withdrew completely from the consideration of Muscle Shoals. I was one of those who supported the Ford offer. I defended it from the attacks of its enemies in the Military Affairs Committee, of which I am a member, and on the floor of this House. I urged its acceptance by the Government. I fought its fight. I plead its cause. [Applause.]

I believe that it was the greatest offer ever made by a citizen to his Government. If it were here to-day, I would still be urging its acceptance. I would still be fighting for it. But it has been definitely and positively withdrawn. It is gone, and I have no power to recall it. I now want this House to pass the best bill it can, a bill that will embody the principles of the Ford offer, that will absolutely guarantee the manufacture of nitrate for explosives in time of war and for fertilizer in time of peace. If the conference report does not embody these principles and provide this guaranty, I shall not vote for it. I pray that the conference report will embody these principles and provide this guaranty, for there is danger that if the present Congress does not dispose of Muscle Shoals it may forfeit the right of Congress to dispose of it. The Judge Advocate General of the Army has held that under section 124 of the national defense act the Secretary of War has the authority to lease or sell the power at Muscle Shoals. On July 1 next the great Wilson Dam will be completed and there will be ready for distribution at Muscle Shoals nearly 200,000 horsepower. Any sale of this power by the Secretary of War, if it did not actually prevent the Congress from disposing of the Muscle Shoals project, might well embarrass or seriously shackle the Congress in making disposition of the properties.

Section 124 of the national defense act passed by Congress in 1916 not only provided for the construction of the Muscle Shoals project but it dedicated that project to the national defense and to the service of the farmer. Under that dedication the people of the United States have already expended nearly $150,000,000 on Muscle Shoals. That dedication should remain, and the Congress should never permit the great enterprise to be diverted from its original purposes and converted into a power project. [Applause.]

To-day the people of the United States are expending millions of dollars to make guns, to build battleships, to fortify our coast defenses, to construct airplanes, to maintain our Army and our Navy, and yet we are almost entirely dependent upon Chile to supply us with the nitrogen which we must have if any of our arms and defenses are to be worth anything at all to us—if we are to fire a single gun. Nitrate is needed in every form of ammunition used by our Army and our Navy. The United States has no natural supply of fixed nitrogen, and with the exception of the great plant at Muscle Shoals we have practically no plant with which to take it from the air.

During the World War we commandeered every available merchant ship that was on the seas; we secured the German and Austrian interned ships; we took over Dutch steamers, and chartered Scandinavian and Japanese tonnage. It required every available merchantman that we could find to carry our troops to the front line, to supply them with food and munitions of war, and to move the commerce of the United States; yet in that dire necessity we were compelled to use nearly one-third of our entire merchant marine to bring over the 4,000-mile route from Chile the nitrate to make powder and the explosives without which we were utterly helpless to make war. Let us not forget that the first real naval battle of the World War was fought in December, 1914, off the coast of Chile, when the British and Japanese gunboats intercepted the German fleet endeavoring to give protection to German merchantmen coming out from Chile with their cargoes of Chilean nitrate. If in the days preceding the war Germany, seeing the handwriting on the wall, had not stored in her arsenals great stores of Chilean nitrate and partially provided for a supply of nitrogen from the air, she would have been defeated before the end of the first year of the war. Fortunately for us our Navy in conjunction with the British and Japanese Navies kept open our lines of communication with Chile, and we were able to secure the necessary nitrate for the winning of the war.

As much as we of America hate war, who can say when we will again be forced into war? If we are, who knows that our Navy will be able to keep open our lines of communication with Chile? If our Navy can keep those lines open, who knows that Chile will not assume a neutral position and refuse to let us have any nitrate? It is our solemn duty, gentlemen of the House, as the representatives of the people, charged under the Constitution with the responsibility of the defense of the Nation, to make ready for the national defense that great nitrate plant at Muscle Shoals. It is foolish, yea, more, it is a crime for us to spend millions of dollars, earned by the sweat and the toil of the people of this country, for battleships and forts and airplanes and armies when all of these instruments of warfare are naught without gunpowder. [Applause.]

The great plant at Muscle Shoals with its capacity of 40,000 tons of pure nitrogen a year would supply the nitrate needed in actual warfare for the ammunition of 12 Army divisions, which is three times the number of divisions in our present Army. This great plant must be preserved and maintained as the powderhorn of our Nation. [Applause.] Its successful operation will insure the construction and operation in this country of similar plants.

It has been well said by an ancient philosopher that there are only two great forces that destroy national life; one is an invading army and the other is the depletion of the soil. Invading armies wipe out peoples and civilizations. Depletion of the soil makes it impossible for peoples and nations to sustain life in their habitat. They move on as in times gone by the people of Greece moved to the more fertile lands of southern Italy. In soil depletion lies the tragic story of the fall of Babylon, of Greece, of Rome. Strange as it may seem, by Divine Ordinance the element which is used to destroy life is the element which gives life. The nitrogen which makes the gunpowder also brings forth the products of the field.

President Coolidge in his message at the opening of the present session of Congress spoke to us as follows:

> The production of nitrogen for plant food in peace and explosives in war is more and more important. It is one of the chief sustaining elements of life. It is estimated that soil exhaustion each year is represented by about 9,000,000 tons and replenishment by 5,450,000 tons. The deficit of 3,550,000 tons is reported to represent the impairment of 118,000,000 acres of farm lands each year. To meet these necessities the Government has been developing a water-power project at Muscle Shoals to be equipped to produce nitrogen for explosives and fertilizer. It is my opinion that the support of agriculture is the chief problem to consider in connection with this property.

President Coolidge recognizes that we have overrun our last frontiers and placed under cultivation practically all of our arable lands. He recognizes that we are gradually depleting our soil. He knows that self-preservation demands that we stop this depletion. He knows the pressing need for fertilizer

and he knows that this is not a sectional question. Formerly, the southern farmer was the only one to buy commercial fertilizer, but to-day the farmers of Ohio buy more fertilizer than do the farmers of Florida. Missouri buys more fertilizer than Louisiana and Michigan more than Tennessee. From 1909 to 1919 Alabama farmers increased their expenditures for fertilizer 80 per cent, while the farmers of Iowa increased 400 per cent, Oregon 600 per cent, Montana 900 per cent, North Dakota 1,000 per cent, and Oklahoma 1,400 per cent. It is estimated that if the increase for the country during the next 10 years is only 80 per cent of what it was for the last decade by 1930 our annual fertilizer bill will amount to more than $800,000,000.

The operation to its full capacity of the great plant at Muscle Shoals assures the production of an amount of fertilizer equivalent to 250,000 tons of Chilean nitrate, or equal to 2,000,000 tons of 2-8-2 commercial fertilizer. This amount of nitrate is equal to the entire annual import from Chile used by American agriculture before the World War. We find that during the fiscal year ended June 30, 1923, American farmers paid the Chilean Government $11,241,890.94 as a tax simply for the privilege of buying necessary nitrate from that country. If the establishment of the nitrogen industry at Muscle Shoals resulted in nothing more than in eliminating the export duty collected by Chile for the privilege of purchasing nitrate in that country, it would pay to American farmers and consumers a dividend each year of more than 5½ per cent on $200,000,000. But authorities everywhere declare that the operation of the great nitrate plant at Muscle Shoals will reduce the cost of fertilizer one-half. The annual expenditure of the farmers in this country for fertilizer over the past five years has been, in round numbers, $300,000,000 a year. Cutting this bill in half would save the farmers of this country $150,000,000 a year. In my State of Alabama we have important iron and steel industries, and Alabama is a large producer in the coal and coke industry, and Alabama's textile industry grows yearly, but Alabama, like every other State in the Union, is without the nitrogen industry.

The operation of this plant at Muscle Shoals would establish in Alabama the nitrogen industry, without which no nation can consider itself safe in time of war and without which no nation can preserve and increase the soil fertility of its lands. Resting on every acre of land there are 33,800 tons of nitrogen in the atmosphere. This plant would "fix" the nitrogen; that is, it would take the nitrogen from its gaseous form in the atmosphere and combine it with other substances so farmers can use it. In 1920 Alabama farmers paid $14,036,108 for about 388,000 tons of fertilizer, and in 1910 they paid $7,630,952 for about 425,000 tons—that is, strange as it may seem, they paid 84 per cent more money for 8 per cent less tonnage. When Alabama farmers can get this fertilizer for one-half of what they have been paying for it in normal times they will double and treble their purchases, and by so doing will double and treble their production per acre.

Mr. Speaker, when the McKenzie bill for the acceptance of the Ford offer was being discussed on this floor its opponents were loud in their claims that all the prospective benefit to the farmer in the reduction of the cost of his fertilizer through the acceptance of the Ford offer was a vain hope, based on widespread misrepresentation. When the gentleman from Illinois [Mr. McKENZIE] had concluded a masterful speech, that will be long remembered by Members of this House, there arose the gentleman from Ohio [Mr. KEARNS], who declared with great emphasis that the arguments in favor of the Ford offer based upon obtaining cheaper fertilizer for the farmers were misleading and false, and that the representations of the American Farm Bureau Federation and others predicting important savings to the farmers as a result of the operation of the Muscle Shoals project under the Ford offer were absolutely untrue from one end to the other.

Mr. Speaker, those arguments that cheaper fertilizers could be had at Muscle Shoals were based upon the declarations of experts, who knew far more of the possibilities of the project than did the gentleman from Ohio, and the truthfulness of their opinions was strikingly demonstrated when Henry Ford withdrew his offer.

If any of the great interests had reason to inform themselves of the facts about the production of nitrates under the Ford offer, certainly that interest was the Chilean Nitrate Producers Association. They knew the facts not only about the Ford offer but as to every other offer that came before the committee. What was the result? What was the testimony of the nitrate industry itself? Mr. Speaker, these are the facts:

The rejection by the committee of all offers except the Ford proposal produced not the slightest flurry of interest or excitement either in the Chilean fields or in their London security markets, but when the official announcement was made that the Ford offer had been withdrawn the rejoicing in the Chilean nitrate industry produced nothing short of a boom both in Chile and in London.

Let me read to the House a statement from the Wall Street Journal which appeared a few days after the withdrawal of the Ford offer:

CHILEAN NITRATE OUTLOOK—FORD'S WITHDRAWAL OF MUSCLE SHOALS OFFER RESULTS IN BOOM TO CHILEAN INDUSTRY

SANTIAGO, CHILE.—Henry Ford's withdrawal of his offer to take over the Muscle Shoals project has resulted in a considerable boom in the Chilean nitrate industry. Chile is the greatest nitrate producer in the world, and the United States is her principal customer. With Ford in control of Muscle Shoals on an announced program of making vast quantities of nitrate from the air, Chilean producers saw ruin ahead of them. Nitrate shares in London rose from two to three points as soon as news of withdrawal of the Ford offer was received. (From the Wall Street Journal, October 22, 1924.)

The people of Chile rejoiced when Henry Ford withdrew his offer. They knew that he would cut in half the cost of fertilizer, and that the price of Chilean nitrate would likewise be reduced. The statement tells the tale.

Let us send this bill to conference and let that conference bring out a report embodying the principles of the Ford offer. [Applause.]

For those who are concerned about the power at Muscle Shoals and its use for lighting and industrial purposes rather than for national defense and for fertilizer, let me say that the maximum amount of power that it has been estimated will be required to operate the great plant at Muscle Shoals and to produce the 2,000,000 tons of fertilizer annually is 260,000 horsepower. Thus when the great project at Muscle Shoals is completely developed some 600,000 horsepower is left for lighting, industrial, and other uses. Let me say furthermore that the United States Engineers in a survey of a part of the Tennessee River have estimated that in addition to the great horsepower at Muscle Shoals there is 3,000,000 horsepower available on that part of the Tennessee.

The rivers and harbors bill which we passed in this House several days ago provides for a survey of the rest of the Tennessee River, which survey will doubtless disclose more thousands of horsepower. Besides the power at Muscle Shoals and on the Tennessee we have in Alabama the great power on the Coosa, Tallapoosa, and Little Rivers, and the Alabama Power Co. has formally and publicly announced that it has formulated plans for the distribution of this power throughout Alabama, and even in the States of Mississippi and Florida. I am confident that the day is at hand when every town and village in Alabama will have all the power that it needs.

Gentlemen of the House, Germany, France, England, and Japan are this day operating plants that take the nitrogen from the air for national defense and for the farmer. These countries have given their people independence from Chile in time of war, and they have freed their farmers from the exactions and the extortions of the Chilean Nitrate Trust. I, with eight of my nine colleagues from Alabama, am asking you to send this bill to conference with the hope, yea, with the earnest prayer, that the conferees will report to this House a bill that will make our people secure in their national defense and independent of Chile, that will free our farmer from paying tribute to a foreign government, that will lighten his burdens, and be a blessing to the great toiling masses of America—to all who lift their heads and pray "Give us this day our daily bread." [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. Mr. Speaker and gentlemen of the House, to my mind the question before the House at this time involves something more than merely a "practical proposition." It involves a fundamental matter of principle. In Muscle Shoals we have an investment of $150,000,000 of the people's money. We have created and built the most magnificent dam the world has ever known. It will develop 600,000 horsepower throughout the year when Dam No. 3 is finished. It is the largest individual unit plant to be found anywhere.

We are proposing now to send this bill to conference, with every word of the House bill stricken out, and a Senate measure substituted almost as objectionable as the House measure itself. Those of you who are advocating the Muscle Shoals development as a fertilizer proposition are on the wrong trail if you are going to accept the Underwood amendment as a substitute for the House bill. It no more guarantees to you the continuous manufacture of fertilizer than did the Henry

Ford proposal. Neither guarantees anything at all worth while along the fertilizer line. This is practically conceded upon this floor by the supporters of the Underwood amendment.

I am one of those who believes that fertilizer ought to be manufactured at Muscle Shoals; but, Mr. Speaker, you can read the reports and the hearings from end to end without discovering a single fact or set of facts that will establish any sound ground for believing that we can manufacture nitrate there in competition with the imported product. On the contrary, it is established that nitrate from Chile can be laid down at our ports of entry at less cost than it can be produced at Muscle Shoals. What does the Underwood bill mean? It means that after the expiration of five or six years the lessees can abandon the manufacture of fertilizer, as they will, because they can not manufacture it cheaply enough for anybody to buy. You will have nothing left but a power plant in the hands of a great corporation that will use it purely as a money-making proposition and not for the purpose of reducing rates.

The Government can take this great plant at Muscle Shoals, which will develop from 600,000 to 750,000 horsepower, and undersell the current of the Alabama Power Co. by 50 per cent, and inside of 50 years, notwithstanding the extravagant cost of the plant, retire the entire amount invested and put it back in the Federal Treasury. With the capital cost out of the way, current could either be sold at cost or at a price which would make the plant a profitable investment.

To my mind Muscle Shoals ought to be retained and operated by the American people. It belongs to them. They ought to continue their experiments in the production of fertilizer until a process shall be found, as it will be found, whereby the Government could use, say, 100,000 horsepower for that purpose, and manufacture not only 40,000 tons of nitrate annually, but twice that amount. Such a result may be expected if the plant is retained by the Government. It is unlikely if turned over to private lessees. The balance of the power should be used for the purpose of reducing rates on electric current and for the purpose of retiring the capital put into the plant by the American people.

I do not believe we are warranted in leasing this plant to a private corporation under any circumstances. I am not a believer in Government ownership and operation as such as a general proposition, but the best that can be done is to lease this plant so as to bring a return of 3 or 4 per cent annually on the investment. No part of the capital cost can be retired from the returns upon any lease the Government will ever be able to make. Nobody will pay a sufficient amount and at the same time guarantee to manufacture fertilizer.

Not only the South but the entire country is crying out against the Power Trust. Here we have a means of holding it in check by effective competition. And yet the very people who for years have complained against the strangle hold of the Alabama Power Co. in the South are now clamoring for a lease which, for the next 50 or 100 years, will help tighten that hold. We now have an opportunity to release that grip in the only way that experience has shown it can be released. That opportunity should not be thrown away.

Our water-power resources are a part of the Nation's birthright. We, as custodians of the public's interest, have no business frittering it away. This is especially true in the present instance because of the fact that your constituents and mine have already invested $150,000,000 in the Muscle Shoals project. They have a right to expect that we shall so manage it that it will serve the largest good. It should never become the instrument of exploiting the very people that it was built to serve. [Applause.]

The SPEAKER. The time of the gentleman from South Dakota has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, there is just one question before the House and that is, Shall we send this bill to conference or shall we send same to our Military Affairs Committee? On that one fundamental question, strange as it may seem, I find myself in accord with our friend from Iowa [Mr. HULL], our friend from Alabama [Mr. HUDDLESTON], our friend from New York [Mr. LAGUARDIA], and our friend from South Dakota [Mr. WILLIAMSON]. That is a strange aggregation, is it not? [Laughter.]

But here is the parliamentary situation: This amended House bill came from the Senate and was put on the Speaker's desk on the 15th day of January last. Under the strict rules of the House it was the duty of the Speaker to send it immediately to the committee; but, of course, our practice here allows him to hold it on his desk for a reasonable time. That is to give the House an opportunity to agree to Senate amendments. The gentleman from Illinois [Mr. MCKENZIE] on that very day, January 15, 1925, asked unanimous consent that this bill be taken from the Speaker's table and sent to conference. That request was refused. The bill then ought to have been sent by the Speaker to the Military Affairs Committee. Yet it has been held on the Speaker's desk for 12 days when the rules of the House was that it should go to said committee. If it had been sent to the committee on January 15, 1925, all of us would have had plenty of time to have appeared before that committee, made our suggestions, and helped to whip the bill in proper shape by this time.

But here is the present situation: If you will now send the bill to the committee, the gentleman from Tennessee [Mr. GARRETT] can go to the committee and tell the committee just exactly what he wants put in the bill. The gentleman from Ohio [Mr. LONGWORTH] also can go and tell the committee just exactly what he wants put in the bill. The membership of this House can go to the committee and say we do not stand for this, and we do not stand for that, but we want these specific safeguards put in the bill. They can demand a hearing.

But you send the bill to conference, as this rule proposes, and nobody can go before that conference; it is behind closed doors. Our three House Members will meet three big, august, distinguished Senators on a bill where they have already cut from our House bill every page and paragraph and sentence except the enacting clause and put in the bill an entirely different proposition.

The gentleman from Alabama [Mr. HILL] says that if we do not like the conference report when it comes back we can vote it down and send the bill to the committee. He ought to know better than that. When you once send a bill to conference you can not then take it from the conferees and send it to the committee any more, for it is in conference. When you vote the conference report down you can then vote to instruct the conferees along certain lines and send it back to conference, but it does not go back to the committee except on motion of somebody, carried by a majority vote.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. BLANTON. Not just now; I have only five minutes.

Mr. HILL of Alabama. The gentleman has misquoted me.

Mr. BLANTON. Did not the gentleman say that we could vote down the conference report and send it to committee?

Mr. HILL of Alabama. No; I did not say that.

Mr. BLANTON. The gentleman from Alabama is correct. He did not say it, for I now have before me the reporter's notes and find that the following is the exact language of the gentleman, to wit:

> Now, what I would do would be to send this bill to conference in an earnest, honest effort to get a bill out of that conference that would embody the fundamental principles we desire, and then if the conference report does not embody the great principles of national defense and the manufacture of fertilizer, then this House can vote the conference report down. Send it to the committee and we have nothing before us—

And so forth.

I did not note the period just before "send it to the committee."

Now, gentlemen, do you not want to have something to say about the disposition of this $150,000,000 plant? That is what this is. Every man who knows anything about the plant will tell you that it could be worth $300,000,000. I am not for Government ownership; I am against it. But I want to protect this property for the people by proper legislation. There ought to be another safeguarding provision in the bill in addition to the splendid salutary suggestions made by the minority leader [Mr. GARRETT]. We ought to put in a provision that the plant shall be maintained and repaired and replaced if lost through the negligence by the lessee and not by the Government. You will remember that the Henry Ford bill provided that the people shall keep the dam gates and locks in repair and replace them if lost at the expense of the people. It should be at the expense of the lessee. Let us safeguard this bill. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Nebraska [Mr. SIMMONS].

Mr. SIMMONS. Mr. Speaker, it seems to me there is an issue in this matter that has not been properly presented to the House. We are confronted here with the proposition to send to conference a bill not one word of which has ever been considered by a committee of this House; to send to conference a bill not one word of which has ever been considered on the

floor of the House. I searched last night for some precedent for this sort of undertaking, but I did not find anywhere where this House has done this thing in this way before. It may be that it has, but I did not find it.

We are asked in this matter to send to conference a bill upon which we are charged primarily with acting and upon which we have not acted. We are asked to delegate our authority as Members of Congress to a conference committee. So far as this bill is concerned, it is a new bill in this House. I know what has been said. Members have asked us to do this, and in doing so have told the membership of the House of certain things that in their opinion the conferees must put in the bill. I know what is going to happen when the conference report comes back. Members will take the floor and point out where the bill is not satisfactory, and then ask the House to vote for it, as they are asking us to vote for this to-day, in order to get the thing settled and out of the way.

I do not anticipate the time will ever come when we from the Western States will get any fertilizer from Muscle Shoals. We are too far removed from the point of production. We do have in the West many streams with undeveloped power, undeveloped resources that can be used to build up industries, produce fertilizer for peace time, nitrates in time of war. In this matter is involved the question of the development of water-power resources in the West. Our action on this matter will be a precedent set for future development of other power possibilities. It is important that this issue be settled right. I for one am not willing to delegate my duty as a Member of this body to a conference committee that is not named either in this body or the other body, and then be compelled in the closing days of this Congress to either take what they give us or be branded here as opposing the settlement of this issue at this time. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I yield four minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, as I view this matter, the real question before the House in the consideration of this rule is whether or not we want any legislation with reference to the development at Muscle Shoals at this session. I am for this rule and for sending this bill to conference, because I believe that Congress at this session should take some action with reference to this great property. Suppose it is sent to the Committee on Military Affairs? As has been stated, it is open to hearings. The gentleman from Iowa [Mr. HULL] has said that there will be no hearings because there is no necessity for any, that it can be reported back within three or four days. Granted that is done, which I think all will agree with me is very improbable, a rule will then have to be reported for its consideration in the House, it will have to be considered here and then sent to the Senate, and there under the rules it will have to go to a Senate committee——

Mr. HULL of Iowa. Oh, the gentleman is certainly mistaken. It will go to conference instead of going to the Senate.

Mr. BYRNS of Tennessee. That is correct, and I accept the gentleman's correction. I was speaking of it as an independent bill. But suppose it is reported as an amendment, it will be considered in the House in Committee of the Whole, then it goes to conference, and you have the same conferees that you will have if this rule is adopted. However, the Senate may discuss the amendment with its usual deliberation, or may send it to a Senate committee before agreeing to a conference. It simply means a delay that may cause this legislation to be finally defeated at this session of Congress.

This proposition has been pending before Congress for three or four years. The people expect something to be done with it. We certainly ought to let the people know that we are capable of dealing with a great proposition of this kind. I have been for this legislation all along because it is, as I conceive it, a fertilizer proposition.

This development would never have been made if it had not been for the fact that Congress understood in 1916 that it was to be developed primarily for explosives in time of war and fertilizer in time of peace, and I believe we ought to keep faith with the farmers of this country who need cheaper fertilizer. I believe it ought to be developed primarily as a fertilizer proposition. I am willing to trust the conferees who will be appointed by the Speaker, under the rules of the House, to see to it that the original intention of Congress is carried out faithfully and that a bill is reported which will take care of the farming interests of the country.

Gentlemen seem to assume that the conferees are going to report the Underwood bill, and call attention to the fact that the Senate rejected the House bill. The House passed that bill at the time Mr. Ford's offer was pending before the House. When it reached the Senate and during its consideration by the Senate, or the Senate committee, Mr. Ford withdrew his offer, and it became necessary then to have an entirely new bill substituted for it, and the Senate passed a bill which carries to a very large extent the very provisions of the Ford offer in the matter of fertilizer. I think, however, this bill needs some amendments which will absolutely guarantee the production of nitrogen and restrict the profits, so that the farmers may be sure of cheaper fertilizer. I think we ought to adopt this rule and send this bill to conference and let the conferees take it under consideration and report a bill back to the House which we can reject or accept as we see fit. [Applause.]

Mr. GARRETT of Tennessee. I wonder if the gentleman from New York can help me out with a little time over here?

Mr. SNELL. I think I can.

Mr. GARRETT of Tennessee. I yield two minutes to the gentleman from Georgia [Mr. UPSHAW].

Mr. SNELL. I yield him a minute and a half.

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, in opposing the proposition to send this bill to the Committee on Military Affairs instead of a conference, I wish to say that the trouble is the committee would not "commit." They will not have time to get themselves together and bring back a new bill for action before this Congress adjourns.

Congress has played with this thing long enough—let us have action. The people are tired of a legislative attitude of hesitation, vacillation, and equivocation. Happily the "star chamber sessions" of the House and Senate conferees, as the gentleman from Iowa [Mr. HULL] called the proposed conference, are not final. If they do not bring back a bill that dedicates Muscle Shoals to the high purposes of national defense and the manufacture of cheaper fertilizers for the farmers, as well as the development of water power, I expect to vote against it. But let us get somewhere during this session of Congress.

Some gentlemen who have opposed this bill seem unduly alarmed concerning the development of our natural resources by great power companies. Gentlemen, let us be practical about this matter. I have never seen any baleful effects from the development of water power by private enterprise. Goodness knows I would rather see our great natural resources developed by private enterprise than not developed at all. [Applause.] Through all the centuries the water power in our Georgia mountains had gone to waste, and it would be wasting still if a great power company had not taken hold with its wealth, its vision and vigor, and now behold! Our whole section is commercially athrob and athrill as a result of this superb business enterprise. Factories hum, cars run, and even farmers' homes are lighted, because private enterprise took charge. Think, too, of the Carolinas—how for generations their streams had flowed and plunging waterfalls there had leaped on in rushing cascades of unused power; but private enterprise came upon the scene, and all that Piedmont section is happy and stirring with progress and prosperity, and—glorious to contemplate—as a result of this development the marvelous sum of forty millions of dollars recently went into Christian education and benevolence in that section through the big-hearted generosity and wisdom of James B. Duke. [Applause.]

Let Muscle Shoals be developed. I voted and worked for Henry Ford to have Muscle Shoals because he had so won the confidence of the people that they wanted him to have it. But since unnecessary and unreasonable congressional delay caused Ford to withdraw his offer, then there is nothing else for us to do but bring out a bill that will enable the Government, through President Coolidge and such good offices as he may elect, to go forward and put this great national asset to work for the good of the people. The gentleman from Alabama [Mr. ALMON] has wisely said that we are not afraid to trust the President to guard the people's interest in such a necessary transaction. I have not always agreed with President Coolidge in some of his positions and conclusions—and I am sorry, of course, for the country when he does not agree with me—but I believe in the fundamental honesty of Calvin Coolidge, and also in his abundance of that New England thrift that will cause him to drive a good trade in behalf of his clients—the American people.

Again I say this Congress has waited and debated and hesitated long enough, all these years wasting power and time and money that our industries and the people need.

Let us do something with Muscle Shoals, and let us do that something now. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I believe my time is exhausted. I trust the gentleman from New York can yield to the gentleman from Alabama [Mr. BANKHEAD].

Mr. SNELL. I yield to the gentleman from Alabama such time as he needs up to 10 minutes. I yield the gentleman 5 minutes.

Mr. BANKHEAD. Mr. Speaker, in addition to my general interest in this great problem as a legislator I have some measure of local interest in this proposition and in its proper solution by reason of the fact that a part of this great plant, an essential part, is located within the bounds of my district. I refer to the Waco Quarry, Franklin County, Ala. I realize that the ordinarily prudent Member of the House would hesitate always to take an unusual or extraordinary method in handling any legislative problem, and the impression may have gained credence this afternoon in the minds of some that this is an unusual and unprecedented procedure. But such is not the case. In my experience here time and time again we have had a similar situation presented as far as the legislative mechanics of the problem are involved. It very frequently happens that a bill passes the House and goes to the Senate and the Senate writes an entirely new bill upon the proposition, striking out the entire House bill except the enacting clause. So that from the standpoint of precedent and practice nothing revolutionary or, indeed, extraordinary is presented here by this rule. Now I am very heartily in favor of the adoption of this rule, and I think that I have sound reason, at least convincing to my mind, as to the propriety of that position. I can not add anything of value to the statements of fact already presented by those who preceded me, but as a practical proposition and as one who is anxious that if it can be done the wisdom of the American Congress shall make some permanent disposition of this great property, it seems to me that in the procedure suggested by this rule lies the only real hope we have of accomplishing that result, certainly within any decent limitation of time. [Applause.] There are some features of the Underwood bill that do not appeal to me as meeting all the requirements, but I want you gentlemen to bear this in mind. This House is on record by a very large majority in favor of the private operation of that plant. As a matter of fact the Ford proposal passed this House, I believe, by a majority of eighty-odd votes. Now, the first essential of the Underwood bill is that it gives an opportunity to the President of the United States, within such limitations and directions as may be written in the bill, to lease this great property to some private operator.

I believe that it is the consensus of opinion, at least a majority of opinion, not only in the House, but in the Senate, that if private operation can be secured with reasonable restrictions with reference to the public interest, that method of operation should prevail; and the Underwood bill provides that six months, until September, be afforded as an opportunity for bids to be made and submitted to the President of the United States; bids that I am sure the President will bear in mind ought to convey the will of Congress on this question of fertilizer as well as of power.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. Mr. Speaker, can the gentleman give me five minutes more?

Mr. SNELL. I yield to the gentleman two minutes more.

Mr. ALMON. The gentleman has not yet used up all of his time.

Mr. BANKHEAD. No.

Some intimation has been made here—I believe by the gentleman from Iowa [Mr. HULL], who somewhat covertly suggested that behind closed doors and in some character of a star chamber proceeding the gentlemen who would be appointed as conferees on the part of the House might be either so stupid that they would be overreached or would be moved by some sinister influence so that they would ignominously surrender the views that at least a majority of the House conferees have so earnestly pressed here before us, and might be induced to bring back here to this House such character of legislation as would not reflect the will of the House of Representatives. On account of my great confidence in the character and probity and judgment of these men who will probably be the conferees on the part of the House, I think that is certainly a gratuitous and unfair intimation as to what will happen, so far as this conference is concerned. I have not only confidence in their character, but confidence in their intention to carry out the will of this House. As was shown at the last time we had this bill under consideration, when we stood for adequate provision for the manufacture of fertilizer for the benefit of the farming interests of this country, and as has been stated heretofore, I think they will see to it that that is properly protected, and if they do not, then I reserve the right to vote against the adoption of the conference report in toto. [Applause.]

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. OLIVER].

The SPEAKER. The gentleman from Alabama is recognized for three minutes.

Mr. OLIVER of Alabama. Mr. Speaker, from the very first the outstanding purpose declared by Congress in the development of power at Muscle Shoals was that it should be primarily employed to make nitrates for use by the Government in time of war and for agriculture in time of peace. Representatives from that section have been unanimous in their support of this declared purpose of Congress, and, with possibly one or two exceptions, the Members of the House from that section, I feel, are now favorable to sending this bill to conference rather than having it referred to the Committee on Military Affairs.

To my mind, this is the only way that gives any promise of definite action at this session of Congress. [Applause.]

The Members of the House have full confidence in those who will be appointed as House conferees, and the House will be given full opportunity to vote on any bill they recommend or agree to.

Mr. UPSHAW. And confidence in President Coolidge.

Mr. OLIVER of Alabama. The conferees on the part of the House are well informed as to the views of a majority of the Members on this important subject, and they will be found, I feel, earnestly endeavoring to carry out these views.

A vote to refer the bill to conference does not commit any Member of the House to the action taken by the Senate, nor to any action the conferees may hereafter take—but the House will be absolutely free to vote for or against any conference report which may later be submitted.

To refuse to refer the bill to conference at this time would shut the door to the only possible way that gives any hope that some definite proposal may later be submitted to the House and Senate before this Congress adjourns. [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MCKENZIE].

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MCKENZIE. Mr. Speaker and gentlemen of the House, I find myself in a somewhat embarrassing position in this matter, being chairman of the Committee on Military Affairs. Some one might think that my approving the proposition to send this bill to conference might be construed as a reflection on my colleagues on that great committee. But I want to say to the Members of this House that that is not true. I have labored long months with the gentlemen on the Committee on Military Affairs. They are strong men, and I respect every one of them. They are men of strong opinions. But I realize, as they do, the great difficulty we have had in coming to any conclusion on that committee and getting any bill reported to this House. These men are just as strong to-day as they were then, and to send this bill to the Committee on Military Affairs would mean contention. I do not mean to criticize my colleagues for that, because I think every one of them is sincere in his convictions and views on this matter. But, gentlemen, in the interest of getting something done, of getting action on this question, whether the matter goes to the Committee on Military Affairs or is sent to conference, I am ready now, as I always have been, to go into that conference and try to uphold the views of this House as I understand them. [Applause.]

And I want to say another thing while I am on my feet, and that is that it is all a mistake to say that there is not anything in this bill on which we can hang a conference. This bill as it came from the Senate dedicates forever this property to the production of explosives and munitions in time of war and to the production of fertilizer in times of peace. It provides for the lease of the property and for the rental of the property. It declares that a certain amount of fertilizer must be made each year.

Those were the things we fought for in the Ford bill. Those are the things we must stand for to-day.

I agree with you that there are some things in this bill that ought to be changed, in my judgment, and representing the views of the House as one of the conferees, if you order us to go into that conference, I shall respectfully urge that the wishes and intentions and desires of the Members of this House may be carried into this legislation.

Gentlemen, for this reason I hope, regardless of the views of my colleague from Iowa [Mr. HULL], a gentleman who lives a neighbor to me and whom I love, you will see that it is the

part of wisdom and the only way to get action at this session of Congress is to send the matter to conference. [Applause.]

Mr. SNELL. Mr. Speaker, that concludes the debate. That finishes the debate.

The SPEAKER. The previous question having been ordered by unanimous consent, the question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 181, noes 41.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays, and pending that I make the point of no quorum.

The SPEAKER. The Chair overrules the point of no quorum. There were 181 yeas and 41 noes, so a quorum is present. The gentleman from Texas demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Twenty-six gentlemen have risen, not a sufficient number, so the yeas and nays are refused.

So the resolution was agreed to.

The SPEAKER appointed the following conferees: Messrs. MCKENZIE, MORIN, and QUIN.

BRIDGE ACROSS THE BAYOU BARTHOLOMEW

The SPEAKER. The Chair lays before the House the following concurrent resolution:

Concurrent Resolution 27

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry, for the purpose of correcting an error therein.

The SPEAKER. Without objection, the resolution will be agreed to.

There was no objection.

HOUSE RESOLUTION 407

The SPEAKER. Without objection House Resolution 407, providing for sending H. R. 518 to conference, will be laid on the table.

There was no objection.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same.

S. 2148. An act to empower certain officers, agents, or employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits in certain cases, and for other purposes;

S. 1199. An act authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army;

S. 51. An act for the relief of the owner of the schooner *Itasca;* and

S. 1665. An act to provide for the payment of one-half of the cost of the construction of a bridge across the San Juan River, N. Mex.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CANFIELD, for one week, on account of sickness.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 1 minute p. m.) the House adjourned until Wednesday, January 28, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

821. A letter from the Secretary of War, transmitting a draft of proposed legislation approving the action of the War Department in issuing supplies out of the quartermaster's store for the relief of sufferers from cyclone in northwestern Mississippi; to the Committee on Military Affairs.

822. A letter from the Secretary of Labor, transmitting report of the aggregate number of publications issued during the fiscal year 1924, the number distributed, the cost of paper used for such publications, the cost of printing, and the cost of printing for the Department of Labor; to the Committee on Printing.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SMITH: Committee on the Public Lands. H. R. 11210. A bill to grant certain public lands to the State of Washington for park and other purposes; without amendment (Rept. No. 1284). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 11791. A bill to provide for the construction of certain public buildings, and for other purposes; with amendments (Rept. No. 1285). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 11928. A bill to promote and preserve the navigability of Cass Lake in the State of Minnesota; without amendment (Rept. No. 1286). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBSION of Kentucky: Committee on Mines and Mining. H. R. 4148. A bill to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes; without amendment (Rept. No. 1289). Referred to the Committee of the Whole House on the state of the Union.

Mr. FAIRFIELD: Committee on Insular Affairs. H. R. 11956. A bill to amend the act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1909," approved February 9, 1909; without amendment (Rept. No. 1290). Referred to the House Calendar.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 3173. An act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial in the city of Washington to an appropriate point in the State of Virginia, and for other purposes; without amendment (Rept. No. 1291). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 11796. A bill to provide for the deportation of certain aliens, and for other purposes; without amendment (Rept. No. 1292). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBSION of Kentucky: Committee on Mines and Mining. H. R. 2720. A bill to authorize the sale of lands in Pittsburgh, Pa.; with an amendment (Rept. No. 1293). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SMITH: Committee on the Public Lands. H. R. 3618. A bill for the relief of Nora B. Sherrier Johnson; with an amendment (Rept. No. 1287). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on the Public Lands. H. R. 11922. A bill providing for the sale and disposal of public lands within the area heretofore surveyed as Boulder Lake in the State of Wisconsin; without amendment (Rept. No. 1288). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 11977) to extend the time for the commencement and completion of the bridge of the American Niagara Railroad Corporation across the Niagara River in the State of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. SWOOPE: A bill (H. R. 11978) granting the consent of Congress to the Commissioners of McKean County, Pa., to construct a bridge across the Allegheny River; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: A bill (H. R. 11979) to authorize the Secretary of the Interior to cooperate with the Territory of Alaska; to the Committee on the Territories.

By Mr. TEMPLE: A bill (H. R. 11980) to provide for the securing of lands in the southern Appalachian Mountains for perpetual preservation as national parks; to the Committee on the Public Lands.

By Mr. FAIRFIELD: Joint resolution (H. J. Res. 333) authorizing a commission to make a survey of economic and Governmental conditions in the Philippine Islands; to the Committee on Rules.

By Mr. FREE: Joint resolution (H. J. Res. 334) to amend section 2 of the public resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved April 14, 1922; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Washington: Resolution (H. Res. 418) for the consideration of H. R. 11796, a bill to provide for the deportation of certain aliens, and for other purposes; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of Nevada, favoring an appropriation being made for the construction of the Spanish Springs extension to the Newlands project; to the Committee on Appropriations.

By Mr. RICHARDS: Memorial of the Legislature of the State of Nevada, petitioning Congress for the passage of the Gooding bill, designated as S. 2327; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Nevada, petitioning Congress to the effect that Congress give its approval to the Spanish Springs appropriation; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHINDBLOM: A bill (H. R. 11981) for the relief of Thomas A. Moore; to the Committee on Claims.

By Mr. COLE of Ohio: A bill (H. R. 11982) granting an increase of pension to Isabell Cory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11983) granting an increase of pension to Lovina E. Willoughby; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 11984) granting a pension to Mary Jane Trinkle; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11985) granting an increase of pension to William Cunagim; to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 11986) for the relief of Abraham Nachmann; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 11987) granting an increase of pension to Elizabeth M. Kerr; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 11988) granting an increase of pension to James A. Galloway; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 11989) granting an increase of pension to Mary C. Parker; to the Committee on Pensions.

By Mr. RAGON: A bill (H. R. 11990) permitting the sale of the northwest quarter of the northeast quarter, section 5, township 6 north, range 15 west, 40 acres, in Conway County, Ark., to Luvenie Reece, Abraham Reece, Correne Reece, Powell Reece, Arlington Reece, Brvee Reece, Mayola Reece, Usieus Reece, Odessa Reece, and Jessie Reece, heirs of M. C. Reece; to the Committee on the Public Lands.

By Mr. RUBEY: A bill (H. R. 11991) for the relief of Morgan L. Atchley; to the Committee on Military Affairs.

By Mr. SHREVE: A bill (H. R. 11992) for the relief of Willard H. Shedd; to the Committee on Military Affairs.

By Mr. SPEAKS: A bill (H. R. 11993) granting a pension to Amelia A. Keith; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 11994) granting a pension to Lydia J. Hall; to the Committee on Invalid Pensions.

By Mr. TAYLOR of West Virginia: A bill (H. R. 11995) for the relief of Silas L. Lawson; to the Committee on Military Affairs.

By Mr. WOODRUFF: A bill (H. R. 11996) granting a pension to Supremia Gatehouse; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3569. By Mr. BERGER: Petition of residents of West Allis, Wis., and Milwaukee, Wis., opposing the enactment of Senate bill 3218, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

3570. Also, petition of residents of Milwaukee, Wis., opposing the enactment of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3571. Also, petition of 900 residents of Milwaukee, Wis., opposing the enactment of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3572. Also, memorial of the Federated Trades Council of Milwaukee, Wis., opposing the enactment of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3573. Also, petition of Hugh J. McGrath Camp, No. 4, United Spanish War Veterans, Milwaukee, Wis., urging the enactment of House bill 5934, to pension soldiers and sailors of the war with Spain, the Philippine insurrection, and the China relief expedition; to the Committee on Pensions.

3574. By Mr. CULLEN: Petition of Indian relief committee of Minneapolis, urging the Congress to act with favor and promptness upon the bill now pending for the relief of the Chippewa Indians of Minnesota out of funds now held by the Government belonging to those Indians; to the Committee on Indian Affairs.

3575. By Mr. DAVEY: Petition of 37 residents of Ravenna, Ohio, protesting against the proposed compulsory Sunday observance bill (S. 3218) or any other religious legislation which may be pending in Congress; to the Committee on the District of Columbia.

3576. By Mr. HUDSON: Petition of the Real Estate Board of the city of Pontiac, Mich., protesting against the so-called rent bill (H. R. 11708); to the Committee on the District of Columbia.

3577. By Mr. SWING: Petition of residents of Anaheim, Calif., protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3578. By Mr. TILLMAN: Petition of G. E. Norwood and others, all of Fayetteville, Ark., opposing the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *January 28, 1925*

(Legislative day of Monday, January 26, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near, Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. No. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McKENZIE, Mr. MORIN, and Mr. QUIN were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 27) requesting the President to return to the Senate the bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry.

The message further announced that the House had passed a bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills:

S. 51. An act for the relief of the owner of the schooner *Itasca;*